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DIEV ET MON DROIT

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DIEV ET MON DROIT

BEATI · PACIFICI

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ANNO REGNI

CAROLI

REGIS, ANGLIÆ, SCOTIÆ, FRANCIÆ, ET HIBERNIÆ,

Decimo & Vndecimo.

At the Parliament begun and holden at Dublin, *the 14. day of Iuly, in the tenth* yeare of the Raigne of our most gracious Soveraigne Lord, CHARLES *by the grace of God, of* England, Scotland, France, *and* Ireland *King, Defender of the Faith, &c.*

And there continued untill the 18. day of Aprill, 1635.

To the high pleasure of Almighty God, and to the weale publique of this Realme, were enacted as followeth:

Imprinted at DUBLIN *by the Society of Stationers, Printers to the Kings most excellent Majesty.*

Anno Dom. M.DC.XXXV.

SILVANVS · GLEG · ET · RI: MORTON · FECIT

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To the high pleasure of Almighty God, and to the weale publique of this Realme, were ena-cted as followeth.

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1. AN act for the Grant of Foure entire Subsidies by the Temporaltie. *Fol.* 1. Chap. 1.

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23. An act to avoyde & prevent divers misdemeanors in idle & lewd persons in barking of Trees &c. *ibid.*chap.23.

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17. An act to prevent the vnprofitable cuſtome of burning of Corne in the Straw. *ibid.* chap.17.
18. An act reſtrayning the abuſive taking and diſtrayning for Herriots. *fol.*94.chap.18.
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An act for the Naturalization of the Lady, & Children of Sir *William Saint-Leger* Knight, Lord Preſident of Mounſter.
Seſſ. III. An act for the Naturalizing of *Iames Frye*, and *Iames Battier* Eſquiers.
An act for the Naturalizing of *Iohn Wentworth* Eſquier, and *Thomas Wentworth* Gentlemen.
Seſſ. IV. An act for the Naturalizing of the Children of Colonell *Thomas Preſton*.

Statuta, Ordinationes,

Actus & Proviſiones, ædita in quodam Parliamento Illuſtriſsimi ac Invictiſsimi Principis Domini noſtri CAROLI Dei gratiâ *Angliæ, Scotiæ, Franciæ,* & *Hiberniæ* Regis, fidei defenſoris, &c. Virtute Commiſsionis & mandati dicti Domini Regis ſub magno ſigillo ſuo *Angliæ* apud Caſtrum *Dublin* die Lunæ viz. decimo quarto die Iulij, anno regni dicti Domini Regis *Angliæ, Scotiæ, Franciæ,* & *Hiberniæ* decimo: Coram prędilecto & fideli Conſiliario ſuo *Thoma* Vicecomite *Wentworth,* Barone de *Wentworth-Woodhouſe,* Domino *Newmarſh* & *Overſley*, Domino Prędidente Conſilij dicti Domini Regis ſtabiliti in Boreali parte *Angliæ,* Domino locum tenente Comitatus *Eborum*, uno de privato Conſilio dicti Domini Regis in *Angliâ*: Deputato ſuo generali Regni ſui *Hiberniæ,* tento & ibidem continuato uſque ad ſecundum diem Auguſti tunc proximè ſequentis, & ibidem prorogato abinde uſque ad quartum diem Novembris tunc proximè ſequentis.

¶ AN ACT FOR THE GRANT OF FOVRE INTIRE SVBSIDIES BY THE TEMPORALTIE.

MOst gracious Soueraigne, wee Your Maiesties most humble and loyall Subiects of your Highnes Realme of Ireland, the Commons in your High Court of Parliament now assembled, euer calling to minde, and rightly considering the vast and almost infinite expense of Men, Money, Victuals, and Armes, sent out of England hither, by Your selfe, & Royall Progenitors, for reducing this Kingdome into that happie condition wherein it now standeth: the manifold blessings which haue beene continued vnto vs since the accession of your sacred person to the Crowne, your Princely Iustice so graciously and clearely dispensed to all the parts, and to all sorts of people within this your Dominion, together with sundry other weighty and pressing occasions, which at this time require a greater expense of treasure then your owne ordinary Reuenue from hence can supply: In a most thankfull remembrance of the times past, and due acknowledgment and consideration of your Maiesties present goodnes thus plentifully expressed in your tender care of the welfare of vs your people, and the tranquility and manifold happines we partake vnder the safeguard of your Maiesties great wisedome and power, doe (according as by all reason of Nature and Conscience we are iustly bound:) Humbly present your Maiestie with a free and thearefull gift of Foure intire Subsidies, each Subsidie to be payde at two payments, the first payment to be made within six moneths next ensuing the first day of this present Session of Parliament, and so alike payment at the end of euery ensuing six moneths, vntill the whole be payde. And therefore wee humbly beseech your Maiestie it may be enacted, and be it enacted by your most excellent Maiestie, the Lords Spirituall and Temporall, and Commons in this present Parliament assembled, and by authoritie of the same, that your Maiestie, your Heires and Successors, shall haue, receiue and enioy, foure intire Subsidies, to be rated, taxed and levyed of euery person, Spirituall & Temporall, of

what eſtate hee or they be, according to the tenor of this Act, in manner and forme following.

That is to ſay, aſwell that euery perſon borne within this Realme, or other your Maieſties Dominions, as all and euery Fraternity, Guild, Corporation, Myſterie, Brotherhood, and Commonalty, corporated or not corporated, within this Realme, or other your Maieſties Dominions, being worth three pounds, for euery pound, aſwell in Coyne, and the value of euery pound that euery ſuch perſon, Fraternitie, Guild, Corporation, Myſtery, Brotherhood & Commonaltie, corporate or not corporate, hath of his or their owne, or any other to his or their vſe, as alſo Plate, ſtock of Merchandize, all manner of corne and graine, houſhold ſtuffe, and all other goods moueable, aſwell within this Realme, as without, and of all ſuch ſummes of money as to him or them is or ſhalbe owing, whereof he or they truſt in his or their conſcience ſurely to be payde, (except and out of the premiſſes deducted ſuch ſummes of money as he or they owe, & in his or their conſciences intend truly to pay, and except alſo the apparell of euery ſuch perſon, their wiues and children, belonging to their owne bodies, ſauing Jewels, gold ſiluer, ſtones & pearle,) ſhall pay to and for euery of the ſaid Subſidies, in two ſeuerall payments, two ſhillings eight pence of euery pound, that is to ſay, ſixteene pence of euery pound, at euery of the ſaid payments. And alſo euery alien & ſtranger, borne out of the Kings obeiſance, aſwell Denizen as others, inhabiting within this Realme, of euery pound that he or they ſhal haue in Coyne, and the value of euery pound in Plate, Coyne, Graine, Merchandize, Houſhold-ſtuffe, or other goods, Jewells, Chattles moueable or vnmoueable (as is aforeſaid) aſwell within this Realme as without, and of all ſummes of money to him or them owing, whereof he or they truſt in his or their conſcience to be payd, (except and out of the ſame premiſſes deducted euery ſuch ſumme or ſummes of money, which he or they doe owe, and in his or their conſcience or conſciences intend truely to pay,) ſhall pay to and for euery of the ſaid Subſidies in two ſeuerall payments, fiue ſhillings & foure pence of euery pound: that is to ſay, two ſhillings eight pence of euery pound, at euery of the ſaid payments: And alſo that euery Alien and Stranger, borne out of your Maieſties Dominions, being Denizens or not Denizens, not being contributarie to any the Rates aforeſaid, and being of the age of ſeuen yeeres or aboue, ſhall pay to and for euery of the ſaid Subſidies, eight pence for euery Poll at two ſeuerall payments: that is to ſay, foure pence for euery Poll at euery of the ſaid payments: And the Maſter, or hee or ſhee with whom the ſaid Alien is, or ſhall be abiding at the time of the taxation or taxations thereof, to be charged with the ſame, for lacke of payment thereof. And bee it further enacted by the authoritie aforeſaid, that euery perſon borne vnder your Maieſties obeyſance, and euery Corporation, Fraternitie,

Guild,

Guild, Myſterie, Brother-hood, Commonaltie, corporate or not corporate, for euery pound that euery of the ſaid perſons, and euery Corporation, Fraternitie, Guild, Myſterie, Brother-hood and Commonaltie, corporate or not corporate, or any other to his or their vſe, hath or haue in Fee ſimple, Fee taile, or terme of life, terme of yeeres by execution, wardſhip, or by coppie of Court roll, of and in any Honors, Caſtles, Manors, Lands, Tenements, Rents, Seruices, Hereditaments, Annuities, Fees, Corodies, or other yearly profits of the yearly value of twenty ſhillings, aſwel within ancient demeane and other places priuiledged, as elſwhere, and ſo vpwards, ſhall pay to and for euery of the ſaid Subſidies, at two ſeuerall payments, foure ſhillings of and for euery pound: And euery Alien, Denizen or not Denizen, borne out of your Maieſties obeiſance, in ſuch caſe to pay to and for euery of the ſaid Subſidies, at two ſeuerall equall payments, eight ſhillings of euery pound: And that all ſummes to be preſented and chargeable by this Act, either for goods and debts, or either of them, or for lands & tenements, and other the premiſſes, as is in this Act contained, ſhalbe at euery of the ſaid payments, ſet & tared after the rate and proportion, according to the true meaning of this Act, (lands and tenements chargeable to the twentieth part of the Clergie, and yeerely wages due to Seruants, for their yearely ſeruice, other then the Kings Seruants, taking yearely wages of fiue pounds, or aboue, only excepted & fore-priſed.) And that all Plate, Coine, Jewels, goods, debts, and Chattels perſonall, and all lands, tenements, and other the premiſſes, as aforeſaid, being in the rule and cuſtodie of any perſon or perſons, to the vſe of any Corporation, Fraternitie, Guild, Myſterie, Brother-hood, or any Commonaltie, being corporate, or not corporate, bee and ſhalbe rated, ſet and charged, by reaſon of this Act, at the value to be certified by the Preſenters in their certificate, of euery pound in goods and debts, as is aboue-ſaid: And for euery pound in Lands, Tenements, Annuities, Fees, Corodies, and other yearely profits, as is aforeſaid. And the ſummes that are aboue rehearſed, ſet & tared, to be levied and taken of them that ſhall haue ſuch goods in cuſtodie, or otherwiſe charged for lands, as is afore expreſſed. And the ſame perſon or perſons, and bodies Corporate, by authoritie of this Act, ſhalbee diſcharged againſt him or them, that ſhall or ought to haue the ſame at the time of the payment or deliuerie thereof, or at his otherwiſe departure from the cuſtodie or poſſeſſion of the ſame: (except and alwayes fore-priſed from the charge and aſſeſſment of the ſaid Subſidies, all goods, Chattels, Jewels, and ornaments of Churches, or Chappels, which haue been ordained and vſed in Churches or Chappels, for the honor & ſeruice of Almightie God:) And the ſummes aforeſaid, of and for the ſaid Subſidies, ſhall be tared, ſet, aſked, and demaunded, taken, gathered, levyed, & paide, to the vſe of your ſacred Maieſtie, your Heires and Succeſſors in

forme aforesaid, aswell within Liberties, Franchises, Sanctuaries, ancient Demeasnes, and other whatsoeuer places, exempt, or not exempt, as without: Any grant, charter, prescription, vse, libertie, or freedome, by any Letters Patents, or any other priuiledge, prescriptiō, allowance of the same, or whatsoeuer other matter or discharge to the contrary, heretofore made, vsed, granted, or obtained notwithstanding. And be it further enacted by the authoritie of this present Parliament: that euery such person, aswel such as be borne vnder your Maiesties obeisance, as euery other person Stranger borne, Denizen or not Denizen, inhabiting within this Realme, or elsewhere, which at the time of the same assessings, or taxations, or of euery, or any of them, to bee had or made, shall be out of this Realme, & haue Goods, Chattels, Lands or Tenements, Fees, or Annuities, or other profits within this Realme, shalbe charged & chargeable for the same, by the certificat of the Inhabitants of the place, where such Goods, Chattels, Lands, Tenements, or other the premisses, then shall be, or in such other place where such person or persons, or his or their Factors, Deputie, or Atturney, shall haue his or their most resort vnto within this Realme, in like manner, as if the said person were, or had been at the time of the said assessing, within this Realme. And that euery person abiding or dwelling within this Realme, or without this Realme, shalbe charged, or chargeable to the said seuerall Subsidies granted by this Act, according and after the rate of such yearely substance, or value of lands, or tenements, goods, Chattels, or other the premisses, as euery, or any person so to be charged shalbe set at, at the time of the said assessing or taxation vpon him to be made, and no otherwise. And be it further enacted by the authoritie aforesaid, that for the seuerall assessings & ordering of the said seuerall Subsidies to be duely had, The Lord Deputie, or other chiefe Gouernour of this Realme for the time being, with aduise of the Lord Chancellour, Vice-Treasurer, the Lord Chiefe Justice of his Maiesties Chiefe Place, the Lord Chiefe Justice of his Maiesties Court of Common pleas, the Lord Chiefe Baron of his Maiesties Court of Exchequer, and the Master of the Rolls for the time being, or any two, or more of them, shall or may, name and appoint, of and for euery Countie and Shire within this Realme, as also of and for euery Citty and Towne, being a Countie of it selfe, such and so many persons as they shall thinke conuenient to bee Commissioners, of and in the said seuerall Counties, Cittics, or Townes: And also the said Lord Deputie, or other chiefe Gouernour, with aduise aforesaid, in like manner, may name and appoint of euery other such Burroughs and Towne corporate within this Realme, as they shall thinke requisite, six, fiue, foure, three, or two, of the head-officers, & other honest Inhabitants of euery of the said Cittics, Burroughs, and Townes corporate, according to the

number

number and multitude of the people being in the same: The which persons, if any such be thereunto named, of the said Inhabitants of the said Burroughs and Townes corporate, not being Counties of themselues, shalbe ioyned and put in as Commissioners with the persons named for euery such Countie or Counties, as the said Burroughs and Townes corporate, not being Counties, be set and haue their being in: which persons so named of and for the said Burroughs and Townes corporate, not being Counties by reason of their dwellings in the same, shall not take vpon them, nor none of them, to put any part of their commission in execution for the premises, out of the said Cities, Burroughs, & Townes corporate, wherein they be so named onely, nor to execute the said cõmission within the Burrough or Towne corporat where they be so dwelling, but such daies & times as the said other cõmissioners for the same Shire or Countie, shall thereunto limit & appoint within the said Burrough or Town corporat, not being a County whereof they be so named, and not out of such Burrough or Town, and in that manner to be ayding & assisting with the said other Cõmissioners, in & for the good executing of the effect of the said commission, vpon paine of euery of the said Commissioners so named for euery such Burrough & Town corporate, not being a Countie, to make such fine as the said other Commissioners in the commission of and for the same Shire or Countie so named, or three of them at the least, shall by their discretion set & certifie into your Maiesties Exchequer, there to be levyed to the vse of your Maiestie in like manner, as if such or like summes had bin set and rated vpon euery such person for the said Subsidies: The which Cõmissioners so named, of & for the said Burroughs & Townes not being Counties, and only put into the said cõmission, by reason of their dwelling in the same, shall not haue any part or portion of the Fees and rewards of the Commissioners & their Clerkes in this Act, afterwards specified and allowed. And the said Lord Chancellour of this Realme for the time being, shall make & direct out of the court of the Chancery, vnder the great Seale, seuerall cõmissions, that is to say, for euery Shire or Countie, & for euery city, Town & Burrough, vnto such persõ & persõs, as by his discretion, or any of the other within afore-named & appointed, as is afore-rehearsed, shalbe thought sufficient, for the assessing & levying of euery payment of the said Subsidies, in all Shires & places, according to the true meaning of this Act, and to euery of the said cõmissions, ten Schedules, containing in the the tenure of this Act, shalbe affixed, by euery of which commissions, the Commissioners in euery such commission, named according to this Act, and as many of them as shalbe appointed by the said seuerall commissiõs, shall haue full power & authoritie, to put the effect of the same in execution, & that by the authority of this Act, after such commissiõ to them directed, they may by their assents and agreements, seuer them-

themselues for the execution of their Commission, in seuerall Baronies, Cantreds, Hundreds, Towns, Parishes, and other places within the limits of the said Commission, in such forme as to them shall seeme expedient to be ordered, & betweene them to be communed & agreed vpon, according to the tenor and effect of the Commission to them therein directed. And be it also enacted by the authority of this present Parliament, that the Cõmissioners, and euery of thẽ which shalbe named, limited, and appointed according to this Act, to be Commissioners in euery Shire or Countie, Citty, Towne, Burrough, or any other place, and no other, shall truly, effectually, and diligẽtly for their part, execute the effect of this present Act, according to the tenor thereof, in euery behalfe, and no otherwise by any other meanes, without omission, fauor, dread, malice, or any other thing to be attempted, or done by them, or any of them, to the contrary thereof. And the said Commissioners, or as many of them as shalbe appointed by the said commission, and none other, for the execution of the said commission & Act, shall for the taxation of euery payment of the said seuerall Subsidies, by vertue of the commission deliuered vnto them, in forme aforesaid, direct their seuerall or ioynt Precept or Precepts, vnto eight, seuen, six, fiue, foure, three, or two (as for the number of the Inhabitants shalbe requisite) of the most substantiall, discreet, and honest persons Inhabitants, to be named by the said Commissioners, or by as many of them as shalbe appointed by the said commission, of & in the Baronies, Cantreds, Hundreds, Wards, Parishes, Townes, and other places, aswell within Liberties, Franchises, and places exempted, as without, within the limits of the Shires, Cities, Cities, Towns, Burroughs, and other places within the limits of their cõmission: and to the Constables, Sub-constables, Bayliffes, and other like Officers & Ministers of euery of the said Baronies, Cantreds, Hundreds, Towns, Wards, Parishes, and other places aforesaid, as to the said Commissioners, & euery number of them, or vnto three, or two of them, by their discretion, in diuision shall seeme expedient: straightly by the said precept or precepts, charging & commanding the said Inhabitants, Constables & other Officers aforesaid, to whom any such precepts shalbe so directed, to appeare in their proper persons before the said Cõmissioners, or such number of them, as they shall diuide themselues into, according to the tenor of the said cõmission, and certain dayes & places by the said Commissioners, or any such number of them, as is aforesaid, within Cities, Burroughs, or Towns corporat, or without, in any other places, as is aforesaid, by their discretion to be limited thereunto, to doe and accomplish all that to them, on the part of your Maiestie shall bee enioyned, touching this Act. Commanding further by euery such precept, that hee to whose hands such precept shall come, shall shew and deliuer the same to the other Inhabitants or Officers, named in the same precept, and

that

that none of them faile to accomplish the same vpon paine of forty shillings to be forfeited vnto your Maiestie. And it is further ordayned by the authority of this present Parliament, that at the said day and place prefixed & limited in the said precept, euery of the said Cõmissioners then being within this Realme, and hauing no sufficient excuse for his absence at the day & place prefixed, for that part whereunto he was limited, shall appeare in his proper person, and there the same Cõmissioners being present, or as many of them as shalbe appointed by your Maiesties commission, shal call, or cause to be called before them, the said Inhabitants & Officers to whom they haue directed their said precepts, and which had in commandement there to appeare by vertue of the said precept. And if any person so warned, make default, vnlesse he then be letted by sickness, or lawful excuse, and that lett thẽ be witnessed by the oathes of two credible persons: or if any appearing, refuse to serue in forme following, then euery such persõ so making default, or refusing to serue, shall forfeit to your Maiestie forty shillings. And so at euery time appointed by the said Commissioners for the said seuerall taxations, vntill such time as the number of euery such person haue appeared and certified in forme vnder-written, euery of them so making default, or refusing to serue, shall forfeit to your Maiestie forty shillings. And vpon the same appearance had, they shall be charged before the Commissioners, by all conuenient wayes & meanes (other then by corporall oath) to enquire of the best and most value of the substance of euery person, dwelling and abiding within the limits of the places that they shall be charged with, and of other which shall haue his or their most resort vnto any of the said places, and chargeable with any summe of money, by this Act of the said Subsidies, and of all other things requisit, touching the said Act, and according to the intẽt of the same. And thereupon, as neere as it may be, or shall come to their knowledge, truly to present & certifie before the said Commissioners, the names and surnames, and the best and vttermost substance & values of euery of thẽ, aswell of lands, tenements, and other hereditaments, possessions, and profits, as of goods, chattells, debts, and other things chargeable by the same Act, without any concealment, loue, fauor, affectiõ, dread, or malice, vpon paine of forfeiture of fiue pounds, or more, to be taxed, extracted and levyed, in forme, as hereafter in this present Act shalbe limited or appointed. And thereupon the said Cõmissioners shal openly there reade, or cause to be read vnto thẽ, the said rates in this Act mentioned: and openly declare the effect of their charge vnto them, in what manner and forme they ought and should make their certificat, according to the rates and summes thereof aforesaid: and of all manner of persons, aswell of Aliens and Strangers, Denizens or not Denizens, inhabiting within this Realme, as of such persons as bee borne vnder the Kings obeisance, chargeable to this Act: And of the portions,

goods and chattells, of Fraternities, Guilds, Corporations, Bro-ther-hoods, Mysteries, Commonalties, and other, as is aboue-said, and of persons being in the parts beyond the Seas, hauing goods and chattells, lands or tenements, within this Realme, as aforesaid, and of all goods, being in the custodie of any person or persons, to the vse of any other, as is aboue-said; by the which in-formation and shewing, the said persons shall haue such plaine knowledge of the true intent of this present Act, and of the man-ner of their certificate, that the same persons shall haue no reaso-nable cause to excuse them by ignorance. And after such charge, and the Statute of the Subsidies; and the manner of the said certificate to be made in writing, containing the names and sur-names of euery perſō, and whether he be borne without the Kings obeysance, or within, and the best value of euery person, in euery degree, as well of the yearely value of lands and tenements, and of such portions and profits, as of the value of goods and chattells, debts, & euery thing to their certificat requisite & necessary to them declared; the said Commissioners there being, shall by their discre-tions, appoint and limit vnto the said persons, another day and place, to appeare before the said Commissioners, and charging the said persons, that they in the meane time shall make diligent en-quirie, by all wayes and meanes of the premisses: And then and there euery of them vpō paine of forfeiture of forty shillings to your Maiesty, to appeare at the new prefixed day and place, there to certifie vnto the said Cōmissioners, in writing, according to their said charge, and according to the true intent of the said grant of Subsidies, as to them in manner aforesaid hath bin declared and shewed to the Commissioners; at which day and place so to them prefixed if any of the said persons make default, or appeare and re-fuse to make the said certificate, then euery of them so offending, to forfeit to your Maiesty forty shillings, except there be a reasonable excuse of his default, by reason of Sickness, or otherwise by the oathes of credible persons there witnessed, and of such as appeare ready to make certificate, as aforesaid, the said Commissioners there being, shall take and receiue the same certificate, and euery part thereof, and the names, values, and substance of euery person so certified. And if the said Commissioners see cause reasonable, they shall examine the said presenters thereof, and thereupon the said Commissioners, at the said dayes and place by their agree-ment amongst themselues, shal from time to time there openly pre-fixe a day, at a certaine place or places, within the limits of their commission, by their discretion, for their further proceeding, to the said assessing of the said Subsidies. And thereupon at the said day of the said certificate, as is aforesaid taken, the said Commis-sioners shall make their precept or precepts to the sheriffs, vnder-sheriffs, Constables, Sub-constables, Bayliffes, or other Officers of such Shires, Baronies, Cantreds, Hundreds, Townes, or

other

other places aforesaid, as the same Cõmissioners shalbe of, compri-
sing and containing in the said precepts, the names and surnames
of all such persons presented before them in the said certificate, of
whom, if the said Commissioners, or as many of them as shall bee
thereunto appointed by the Kings cõmission, shall haue vehement
suspect to be of more, or greater value or substance in lands, goods,
chattells, or summes of money owing to them, or other substance
before said, then is vpon such person and persons so certified and
specified, as aforesaid, the same Commissioners shall make their
precept or precepts, directed to the Sheriffes, Vnder-sheriffes,
Constables, Bayliffes, or other Officers, commanding the same
Sheriffes, Vnder-sheriffes, Bayliffes, Constables, or other Offi-
cers to whom such precepts shall be directed, to warne such per-
sons, whose names shall be compriſed in the said precepts, at their
mansions, or to their persons, that the same persõs named in such
precepts, and euery of them, shal personally appeare before the said
Commissioners, at the same new prefixed day & place, there to bee
examined by all wayes & meanes (other then by the corporal oath)
by the said Commissioners, of their greatest substance & best value
of all & euery summe & summes of money owing to thẽ, and other
whatsoeuer matter concerning the premisses, or any of them, ac-
cording to this Act. At which day and place so prefixed, the said
Commissioners then and there being, or as many of them as shall
be thereunto appointed by your Maiesties commission, shall cause
to be called the said persons, whose names shal be compriſed in the
said precept, as is aforesaid, for their examination. And if any of
those persõs which shalbe warned, as is aforesaid, to be examined,
which at any time after the warning, and before the prefixed day,
shall be within such place where hee may haue knowledge of his
said appearance to be made, make default and appeare not, vnlesse
a reasonable cause, or else a reasonable excuse, by the oathes of two
credible persons before the said Commissioners be truly alleadged
for his discharge, that then euery of them so making default, to be
tared & charged to your Maiestie, with, and at the double summe
of the rate, that he should or ought to haue been set at, for and after
the best value of his lands and substance vpon him certified, if hee
had appeared, by the discretion of the said Commissioners there
being, which Commissioners shall trauell with euery of the other
persons then and there appearing, whose names shalbe expressed
in the said precept or precepts, and in whõ any vehement suspect,
was, or shalbe had, in forme aforesaid, by all such wayes & meanes
as they can (other then by corporall oath) for the better know-
ledge of their best value, either in hereditaments, or possessions, or
else in goods and debts, and thereupon shall haue power and au-
thoritie by vertue of this Act, according to their discretions to in-
large and increase the taxations of such persons as they shall so
find by due examinations, to bee of greater value or substance in

lands or goods then they were presented at, and that euery spirituall person, at euery of the said taxations of the said Subsidies, shalbe rated and set, according to the rule aboue said, of x. for euery pound that the same spirituall person, or any other to his vse, hath by discent, bargain, or purchase in fee simple, fee tayle, tearme of life, tearme of yeares, by execution, by wardship, or by coppy of court-roule, in any Mannors, Lands, Tenements, Rents, Seruices, Offices, Fees, Corodies, or Hereditaments, after the true, iust and yearely value thereof, and according as other the Kings Maiesties subiects, borne within this Realme, be charged in forme aboue remembred, so that it extend to the yearly value of xx. shillings, or aboue.

And it is further enacted, That if the said Taxors or Assessors shall not duely behaue themselues in their inquiry, taxation, assessment, or certificate, but shall affectionatly, corruptly, or partially demean themselues in that behalfe, in such wise, that the Commissioners shall by their considerations, deeme them offendors worthy of punishment, for not doing their duties therein, that then foure or more of the Commissioners in that County for the same Subsidies, shall haue power and authority, by their discretions, either to charge the said Assessors vpon their corporall oathes, for the better seruice aforesaid in that behalfe, or els by their discretions to tax & set vpon euery of the said Assessors, for their misdemeanors in that behalfe, such a fine or paine as they shall think good, so that it exceed not the summe of Ten pounds, and the same fine or paine at their discretions, to estreat into the Court of Exchequer, euery which fine so taxed & set by foure of the said Commissioners or more, being estreated with the Schedule & bookes of the limit, shalbe levyed and answered to your Maiesties vse, in like manner and forme, to all intents & purposes, as any other summes that shalbe taxed and become due by vertue of this Statute and Act of Subsidy, and not in any otherwise or manner. And if any person certified or rated by vertue of this Act, whether hee bee a Commissioner, or other, to any manner of value, doth find himself grieued with the same presentment, selling or rating, and thereupon complaine to the Commissioners, before whom he shalbe called, selled or taxed, or before two of them, before the same taxation be certified into the Court of Exchequer, that the said Commissioners, or two, or more of them, shall by all wayes and meanes examine particularly and distinctly the person so complaining, vpon his oath, and other his neighbors by their discretions, of euery his Lands and Tenements aboue specified, and of euery his goods, chattells, and debts aboue-mentioned, and after due examination & perfect knowledge thereof had, and perceiued by the said Commissioners, or two, or more of them, which shall haue power by authority aforesaid, the said Commissioners, or two or more of them, to whom any such complaint shalbe made by their discretions, vpon the oath of the said person so complayning, may abate, defalke, increase

creaſe or inlarge the ſame aſſeſſments, according as it ſhall appeare to them iuſt vpon the ſame examination, and the ſame ſumme ſo abated, defalked, increaſed, or inlarged, ſhalbe by them eſtreated in forme as hereafter enſueth. And if it be proued by witneſſes, or by the parties own confeſſiõ, or other lawfull wayes or means, within a yeare after ſuch oath made, that the ſame perſon ſo rated or ſworn, was of any better or greater value in lands, goods, or other things aboue ſpecified at the time of his ſaid oth, thẽ the ſame perſõ ſo ſworn did declare vpõ the ſaid oth, that thẽ the ſame perſõ ſo offending, ſhal loſe & forfeit to your Maieſty, ſo much lawful money of England, as he the ſaid perſõ ſo ſworn, was ſet at, or taxed to pay.

And alſo it is enacted by the ſame authoritie, that euery perſon to be rated & taxed, as is aforeſaid, ſhalbe rated & ſet, and the ſũme on him ſet, to be levyed at ſuch place where he and his family were reſident for the moſt part of the yeare next before the ſame preſentment & taxation made, and no-where elſe. And that no Commiſſioner for this Subſidy, ſhalbe rated or taxed for his goods & lands but in the County or other place where hee ſhalbe Commiſſioner. And that if any perſon chargeable to this Act at the time of the ſaid aſſeſſing, happen to bee out of this Realme, or farre from the place where he ſhalbe knowne, then he to be ſet where he was laſt abiding in this Realme, and after the ſubſtance, value & other profits of euery perſon to be known by examinatiõ, certificat, or other manner of wayes, as is aforeſaid, and that the ſaid Cõmiſſioners, or as many of them as ſhalbe appointed by your Maieſties Commiſſion or Commiſſions, ſhall after the rate and rates aforeſaid, cauſe euery perſon ſo to be rated, ſet & taxed, according to the rate of the ſubſtance & value of his lands, goods, chattells, and other profits chargeable by this Act, whereby the greateſt or moſt beſt ſumme or ſummes, according to his moſt ſubſtance, by reaſon of this Act, might or may be ſet or taxed. And that euery perſon taxed in any County or place, other then where he & his family were reſident for the moſt part of the yeare thẽ next before, or in any Cõũty or place, other then where he is a Cõmiſſioner for the Subſidy, (if he be a Commiſſioner) vpon certificat made to the ſaid Court of Exchequer, vnder the hands & ſeales of two Commiſſioners for the ſame Subſidy in the ſame County & place where ſuch perſon & his family were reſiant for the moſt part of the yeare next before, or where he is a Commiſſioner for the taxation & payment of the ſaid Subſidy, teſtifying ſuch his moſt reſiancy, having a family, or being a Cõmiſſioner, ſhalbe a ſufficient diſcharge for the taxation of that perſon in all other places, and of and for all other ſummes of money vpon ſuch perſons ſo ſet and taxed, ſaue onely the taxation made in that County or place, from which ſuch certificate ſhall bee made, as is aforeſaid. And for the ſumme of money vpon ſuch perſons there aſſeſſed or taxed, and that ſuch certificate, without any plea or other circumſtance, ſhall bee a

ſufficient warrant aſwell to the Barons and Auditor & Auditors of the ſaid Court of Exchequer, as to all and euery other Officers to whom the allowance thereof ſhall appertaine, paying for ſuch diſcharge & allowance, ſix pence & no more. Prouided alwayes, that euery ſuch perſon which ſhalbe rated or taxed according to the intent & true meaning of this Act, for payment of & to the Subſidies, for & after the yearely value of the Lands, Tenements, and other Reall poſſeſſions or profits at any of the ſaid Taxations, ſhall not after be ſet and rated for his Goods & Chattells, or other moueable ſubſtance at the ſame Taxations, and that he that ſhall be ſet, charged or taxed for the ſame Subſidy for his goods, chattells, and other moueables at any of the ſaid Taxations, according to the true meaning of this Act, ſhall not after bee charged, taxed, or chargeable for his Lands, or other reall poſſeſſions and profits aboueſaid at the ſame Taxations, nor that any perſon by any Taxation be double charged for the ſaid Subſidies, nor ſet, or taxed at ſeuerall places by reaſon of this Act. But if any perſon happen to be double ſet, taxed or charged either in any one place, or at ſeuerall places, then he to be diſcharged of the one Taxation, and charged with the other, according to the meaning & intent of this Act, any thing contained in this preſent Act to the contrary notwithſtanding.

And be it ordained & enacted by the ſaid authority of this preſent Parliament, that no perſons hauing two Manſions, or two places to reſort vnto, or calling himſelf houſhold ſeruant, and waiting ſeruant to the Lord Deputy, or other Lord or Lady, Maſter or Miſtris, be excuſed vpon his ſaying from the Cares of the ſaid Subſidies in neither of the places where he may be ſet or taxed, vnleſſe he bring a certificate in writing from the Commiſſioners, where that he is ſo ſet or taxed indeed at one place. And if any perſon that ought to be ſet & taxed to theſe preſent Subſidies, by reaſon of his remouing and reſorting to two places, or by reaſon of his ſaying, that he elſewhere was taxed, or by reaſon of any priuiledge of his dwelling or abiding in any place, not being fore-priſed in this Act, or otherwiſe by his coven or craft, or by any words or ſayings, or otherwiſe: or if any that is a Cõmiſſioner, or Aſſeſſor of others, happen to eſcape from the ſaid Taxations for the payment of theſe Subſidies, or any of them, and bee not ſet & taxed according to the true intent of this Act, and that proued by preſentment, examination, information, or otherwiſe, before the ſaid Commiſſioners, or two of them, or before the Barons of your Maieſties Exchequer, or two Juſtices of the peace of the County where ſuch perſon dwelleth, then euery ſuch perſon, that by ſuch meanes, or otherwiſe, willingly by couin or without iuſt cauſe ſhall happen to eſcape from the ſaid tarations or payments aforeſaid, or any of them, and ſhall not be rated, taxed and ſet, ſhalbe charged vpon the knowledge and proofes thereof, with and at the

double

double value of ſo much, as he ſhould, might, or ought to haue been ſet & taxed at by vertue of this Act, and the ſame double value to be gathered, levyed and payde, of his goods and chattells, lands & tenements, towards that Subſidie, and further to be puniſhed according to the diſcretions of the Barons, Juſtices, and Commiſſioners, before whom he ſhall be committed for his offence, and deceit in that behalfe.

And be it further enacted by the authority aforeſaid, that the ſaid Commiſſioners in euery commiſſion, which ſhalbe, or inhabit in any Countie or place within the limit of their commiſſion, or the more part of thē, ſhall haue full power & authority by this Act, to ſet, tax, & aſſeſſe euery other Commiſſioner, ioyned with them in euery ſuch commiſſion: and the ſaid Commiſſioners within euery diuiſion, ſhal alſo aſſeſſe euery Aſſeſſor, within his or their diuiſion, for his, or their goods, lands, and other the premiſſes, as is aboueſaid: by the which ſaid commiſſion, the ſaid Commiſſioners to whom it ſhall appertaine, ſhall indifferently ſet, tax & aſſeſſe themſelues, and the ſaid Aſſeſſors, and that aſwell the ſummes vpon euery of the ſaid Commiſſioners & Aſſeſſors, ſo aſſeſſed, rated & taxed, as the ſummes made and preſented by the preſentors, as is aforeſaid, ſhalbe written, certified, ſet and eſtreated, and the eſtreats thereof to be made with the other inhabitants of that part, and within the limits of the ſame commiſſion & diuiſion ſo to be gathered and levyed, in like manner as it ought, or ſhould haue been, if the ſaid Commiſſioners had not beene in the ſaid commiſſion. And that all perſons of the eſtate of a Baron or Baronneſſe, and euery eſtate aboue, ſhalbe charged with their free-hold & value, as aforeſaid, by the Lord Deputy, or other chiefe Gouernour of this Realme, with the aduiſe aforeſaid, and they to be charged for the ſaid ſeuerall payments of the ſaid Subſidies, after the forme of the ſaid grant, according to the taxation aforeſaid. And the ſumme of and vpon them, to be ſet and taxed, with the names of the Collectors appointed for the gathering & paying of the ſame, to be eſtreated, deliuered, and certified by the Lord Deputy, or other chiefe Gouernour of the ſaid Realme for the time being, together with other ſuch perſons as thereunto ſhalbe named, as is aforeſaid.

And be it further enacted by the authority aforeſaid, that after the Taxes and Aſſeſſes of the ſaid ſummes, vpon, and by the ſaid aſſeſſing and certificat, as is aforeſaid made, the ſaid Commiſſioners, or as many of them as ſhalbe thereunto appointed, and haue authority by your Maieſties commiſſion, ſhall with all ſpeed, and without delay, by their writing, eſtreat the ſaid taxes thereof, vnder the ſeales & ſignes Manuall of the ſaid Commiſſioners, or of as many of them as ſhalbe appointed at the leaſt, and the ſame ſhal deliuer vnto ſufficient and ſubſtantiall Inhabitants, Sheriffes, Vnder-ſheriffes, Conſtables, Sub-conſtables, Bayliffes, and other officers iointly of Baronies, Cantreds, Hundreds, Townes, Pariſhes,

Parishes, and other places aforesaid, within their limits, and other sufficient persons, inhabitants of the same, only by the discretions of the said Commissioners, with the assent of the high Collector: and as the place & parties shal require, aswel the particular names & surnames, as the remembrance of all summes of money, taxed & set, of and vpon euery person, aswell man as woman, chargeable by this Act, housholders, and other inhabitants and dwellers within the said Parishes, Townes, and places contributary to this Act of Subsidies. By authority of which writing and estreat so deliuered, the same Officers and other persons so named and deputed seuerally, shall haue full power and authority, by vertue of this Act, immediatly after the deliuery of the said writing, or estreat, to demand, levy and gather of euery person therein specified, the summe or summes in the same writing or estreat comprised, and for non-payment thereof, to distraine the same person or persons, so being behind, by their goods and chattels, and the distresses so taken, to keep by the space of eight dayes, at the costs and charges of the owner therof. And if the said owner doe not pay such summe of money as shalbe taxed vpon him, or her, by authority of this Act, within the said eight dayes, then the same distresses to be appraysed by foure, three, or two, of the inhabitants where such distresse is taken, and also then to be sold by the Constable, or other Collector, for the payment of the said money, and the ouer-plus, coming of the sale, and keeping thereof (if any be) to be immediatly restored to the owner of the same distresses: which said Officers, and other persons so deputed, to aske, take, gather, and levy the said summes, shall answer and be charged for the portion only to them assigned and limited to be gathered, levyed and comprised in the said writing of estreat, so to them (as is aforesaid) deliuered, to the vse of your Maiesty, your Heires and Successors, and the said summe in that writing or estreat comprised, to pay vnto the high Collector or Collectors of that place, for the collection of the same, in manner & forme vnderwritten, thereunto to be named & deputed. And the same inhabitants and officers so gathering the same particular summes for their collection thereof, shall retaine for euery twenty shillings so by them receiued & payd, two pence, and that to be allowed at the payment of their Collection, by them to be made to the high Collector or Collectors. And further be it enacted by the said authority, that such of the said Commissioners, or the more part of them, as shall take vpon them the execution and busines of the said commission, shal for euery of the said payments of the said Subsidies, name such sufficient and able persons, which then shal haue and possesse lands or other hereditaments, in their owne right, of the cleare yearely value of Twenty pounds, or goods to the value of Foure hundred pounds at the least, as he shalbe taxed in the Subsidie booke, if any such be in the said limits, and for want of such so assessed, then those to be appointed Collectors that then

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ſhalbe ſufficient in lands or goods neareſt to the values aforeſaid, as by their diſcretion ſhall be thought good in the ſeuerall Counties, Shires, Citties, Townes corporate, and other whatſoeuer places, aſwell within places priuiledged, as without, not being fore-priſed within this Act to be high Collectors, and to haue the collection and receipt of the ſaid ſummes ſet & leviable within the precincts, limits & bounds, where they ſhalbe ſo limited & appointed to be high Collectors, and to euery of the ſaid Collectors ſeuerally named, the ſaid Commiſſioners, or two of them at the leaſt, with all ſpeed, and without delay, after the whole ſumme of any payment of the ſaid Subſidy, be ſet by all the limits of the ſame their Cõmiſſion, or in ſuch limits as the high Collectors ſhall bee ſo ſeuerally aſſigned, ſhall vnder their ſeales and ſignes Manuall, deliuer one eſtreat indented in parchment, comprizing in it the names of all ſuch perſons as were aſſigned to levy the ſaid particular ſummes, and the ſummes of euery Barony, Cantred, Hundred, Citty, Towne, and other place aforeſaid, with the names & ſurnames of the perſons ſo chargeable according to the eſtreats thereof, made and deliuered, as is aforeſaid, and the Collectors to be aſſigned, ſhalbe charged to anſwer the whole ſumme comprized in the ſaid eſtreat limited to his collection, as is aforeſaid.

Prouided alwayes, and be it enacted by the authority aforeſaid, that the ſaid Cõmiſſioners hauing authority by this Act, to name and nominate the ſaid high Collectors of euery of the ſaid Subſidies, ſhall immediatly vpon the nomination & election, take by authority of this preſent Parliament, ſufficient Recognizances or obligations, without any fee or reward therfore to be payd of euery perſõ ſo by thẽ to be named to be high Collectors, to be bound to the Kings Maieſtie in the double ſumme of the ſumme of his collection, and to be endorſed & made vpon ſuch condition, that is to ſay, for the collection of euery payment of the ſaid Subſidies, That if the ſaid Collector, his heires, or executors, doe truely content and pay to the vſe of your Maieſtie, your Heires and Succeſſors in the receipt of the ſaid Exchequer, at ſuch times of payment as are formerly limited by this Act, ſo much of the ſaid ſũme of money allotted & appointed to his collection, as he ſhall collect & gather, and content and pay the reſidue of his collection & charge within one moneth next after ſuch time as he hath gathered and collected the ſame reſidue, that then the ſaid Recognizances or obligations to be voyde, or els to ſtand in full ſtrength and vertue. Which ſaid Recognizances or obligations ſo taken, the ſaid Commiſſioners ſhall ſeuerally certifie and deliuer into your Maieſties Exchequer, with the ſeuerall certificats of the ſaid taxations and rates of the payment of the ſaid ſeuerall Subſidies within conbenient time after the taking thereof, and that euery ſuch Collector ſo elected, named and choſen vpon requeſt to him made, ſhall knowledge and make the ſaid Recognizance or obligation, vpon

paine of forfeiture of twenty pounds to your Maieſtie for the refuſall thereof, and that the Court of Exchequer vpon payment of the ſaid ſeuerall collections of the ſaid ſeuerall Subſidies, at the times therein limited for the payment thereof, ſhall cancell and deliuer the ſaid Recognizances or obligations for the payment thereof to the Collector or Collectors, without any other warrant, and without any fee or reward to be payde for the ſame to any perſon, and euery Collector ſo deputed, hauing the ſaid eſtreat in parchment, as is aforeſaid, ſhall haue authority by this Act to appoint dayes and places within the circuit of his collection, for the payment of the ſaid Subſidies reſpectiuely to him to be made, & therof to giue warning by Proclamation or otherwiſe, to all the Conſtables, or other perſons, or inhabitants, hauing the charge of the particular collectiõs within the Baronies, Cantreds, Hundreds, Pariſhes, Townes, or other places by him or them limited, to make payment for the ſaid particular collection of euery ſumme, as to them ſhall appertaine. And if at that ſame day and place ſo limited & preſixed by the ſaid high Collector, the ſaid Conſtables, Officers, or other perſons, or inhabitants, as is aforeſaid, for the ſaid particular collection aſſigned & appointed within ſuch Baronie, Cantred, Hundred, Citty, Towne, or other place, doe not pay vnto the ſaid high Collectors, the ſumme within their ſeuerall Baronies, Cantreds, Hundreds, Townes, Pariſhes, and other places due and compriſed within the ſaid eſtreat thereof, to them deliuered by the ſaid Commiſſioners, or ſome of them, as is aforeſaid, or ſo much therof as they haue by any meanes receiued (two penre for euery pound for the ſaid particular collectiõ, as is aforeſaid, alwayes thereof to be allowed, deducted and abated,) That then it ſhalbe lawfull to the ſaid high Collectors, & euery of them, and their aſſignes, to diſtraine euery of the ſaid Conſtables, Officers, and other Inhabitants, for their ſaid ſeuerall and particular collection of the ſaid ſummes compriſed in the ſaid eſtreat and writing therof to them, and euery of them, (as is before expreſſed,) deliuered, or for ſo much of the ſame ſumme as ſo then ſhall happen to be gathered & leuyed, and to be behinde and vnpayde by the goods & chattells of euery of them ſo being behinde and vnpayde: And the diſtreſſes ſo taken, to be kept and appraiſed, and ſold, as is aforeſaid. And thereof to take and leuie the ſummes ſo then being behind and vnpayde: And the ouer-plus comming of the ſale of the ſaid diſtreſſe, (if any be) to be reſtored and deliuered vnto the owner, in forme aboue-remembred.

Prouided alwayes, and be it enacted by the authority aforeſaid, that no perſon or perſons ſhall be nominated and appointed to be high Collector or Collectors, for the ſecond or other enſuing payment of the ſaid ſeuerall Subſidies granted by this Act, which before that time hath been a Collector or Collectors for the firſt, or for any former payment of any part of the ſaid Subſidies, vnleſſe

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ſuch perſon & perſons ſo to bee nominated & appointed to be high Collector or Collectors for the ſaid ſecond, or other enſuing payment, doe firſt ſhew forth before him or them by whom he ſhalbe ſo nominated & appointed his Quietus eſt for his diſcharge of his collection before appointed to his charge, vpon paine of one hundred pounds to be payde & forfeited by him or thē that ſo ſhall nominat and appoint any ſuch Collector, contrary to this preſent Act.

And it is alſo by the ſaid Authority enacted, that if any inhabitants or officers, or whatſoeuer perſon or perſons, charged to & for the collection & receipt of any part or portion of the ſaid Subſidies by any manner of meanes, according to this Act, or any perſon or perſons for themſelues, or as Keeper, Guardian, Deputy, Factor, or Atturney, of or for any perſon or perſons, of any goods or chattells of the owner thereof, at the time of the ſaid Aſſeſſing to be payd, being out of this Realme, or in any other part not known, or of & for the goods & chattells of any other perſon or perſons of any Corporation, Fraternity, Myſtery, or any other whatſoeuer Commonaltie, being corporate or not corporate, and all perſons hauing in their rule, gouernance & cuſtodie, any goods or chattells at the time of the ſaid Aſſeſſings, or any of them to be made, or which for any cauſe for, and by collection, or for himſelfe, or for any other, or by reaſon that he hath the rule, gouernance, or cuſtody of any goods or chattells of any other perſon or perſons, Corporation, Commonaltie, Fraternity, Guild, or Myſterie, or any ſuch other like, or as Factor, Deputy, or Atturney, of or for any perſon, ſhalbe tared, valued, rated & ſet to any ſumme or ſummes by reaſon of this Act, and after the taxation or aſſeſſing vpon any ſuch perſon or perſons, as ſhalbe charged with receipt of the ſame, happen to die or depart from the place where he was ſo tared and ſet, or his goods & chattells be ſo eloyned, or in ſuch priuie or couert manner kept, as the ſaid perſon or perſons charged with the ſame by eſtreats or other writing from the ſaid Commiſſioners, or as many of them as ſhalbe thereunto appointed by the ſaid Commiſſion, as is aforeſaid, can, nor may levy the ſame ſumme or ſummes, comprized within the ſaid eſtreats by diſtreſſe within the limits of their collectiō, as is aforeſaid, or cannot ſell ſuch diſtreſſe or diſtreſſes as be taken for any of the ſaid Payments before the time limited to the high Collector for his payment to bee made in your Maieſties receipt, then vpon relation thereof with due examination by the oath or examination of ſuch perſon or perſons as ſhalbe charged with & for the receipt and collection of the ſame, before the ſaid Commiſſioners, or as many of them as by the ſaid Commiſſion ſhalbe thereunto appointed, where ſuch perſon or perſons, or other, as is aforeſaid, their goods & chattells were ſet & tared, and vpon plaine certificat thereof made vnto your Maieſties Exchequer by the ſame Commiſſioners, aſwell of the dwelling-place, names, and ſummes of the ſaid perſons of whom the

ſame ſummes cannot be lewyed & had, as is afoꝛeſaid, then aſwell the Conſtables & other inhabitants appointed foꝛ the ſame particular collection againſt the high Collectoꝛs, as the high Collectoꝛ vpon his accompt and oath in the ſaid Exchequer to be diſcharged thereof, and pꝛocceſſe to be made foꝛ your Maieſtie out of the ſame Exchequer, by the diſcretion of the Barons of the ſame Exchequer againſt ſuch perſon, his heires oꝛ executoꝛs, ſo being behind with his payment: And ouer, that the ſame Commiſſioners to whom all ſuch declaration of the pꝛemiſſes ſhalbe made in foꝛm afoꝛeſaid from time to time, ſhall haue full power & authoꝛity to direct their pꝛecept oꝛ pꝛecepts, to the ſaid perſon oꝛ perſons charged with any ſumme, of, foꝛ, and vpon any ſuch perſon & perſons, oꝛ other, as is afoꝛeſaid, oꝛ to any Sheriff, Steward, Bayliff, oꝛ other whatſoeuer officer, miniſter, perſon oꝛ perſons of ſuch place oꝛ places where any ſuch perſon oꝛ perſõs ſo owing any ſuch ſumme oꝛ ſummes, ſhall haue lands, tenements, oꝛ other hereditaments, oꝛ reall poſſeſſions, goods and chattells, whereby any ſuch perſon oꝛ perſons ſo indebted, his heires, executoꝛs, oꝛ aſſignes, oꝛ others, hauing the cuſtody, gouernance, oꝛ diſpoſitiõ of any goods, chattells, lands, tenements, oꝛ other hereditaments, which ought oꝛ may by this Act lawfully bee diſtrained oꝛ taken foꝛ the ſame, hath and ſhall haue goods, chattells, lands, tenements, oꝛ other poſſeſſions, whereof ſuch ſumme and ſummes, which by any ſuch perſon and perſons may oꝛ ought to be lewyed, be it within the limit of ſuch Commiſſion, where ſuch perſon oꝛ perſons was oꝛ were taxed, oꝛ without in any place within this Realme of Ireland: By which pꝛecept, as well ſuch perſõ oꝛ perſons ſhalbe charged to lewie ſuch money, as the Officer of the place oꝛ places where ſuch diſtreſſe may be taken, ſhall haue full power and authoꝛity to diſtraine euery ſuch perſõ indebted, charged oꝛ chargeable by this Act, oꝛ his executoꝛs oꝛ adminiſtratoꝛs of his goods & chattells, his Guardians, Factoꝛs, Deputies, Leſſees, Farmoꝛs & aſſignes, and all other perſons, by whoſe hands, oꝛ out of whoſe lands any ſuch perſon ſhould haue fee, rent, annuitie, oꝛ other pꝛofits, oꝛ which at the time of the ſaid aſſeſſing, ſhall haue goods oꝛ chattells, oꝛ any other thing moueable, of any ſuch perſon oꝛ perſons being indebted oꝛ owing ſuch ſumme, and the diſtreſſes ſo taken, cauſe to be kept, appꝛaiſed & ſold in like manner and foꝛme, as is afoꝛeſaid, foꝛ the diſtreſſe to be taken vpon ſuch perſons to be taxed to the ſaid Subſidies, and being ſufficient to diſtraine within the limits of the Collectoꝛs, Inhabitants, oꝛ other Officers charged with oꝛ foꝛ the ſaid ſummes ſo vpõ thẽ to be taxed. And if any ſuch diſtreſſe foꝛ non-payment happen to be taken out of the limits of the ſaid perſons charged & aſſigned to lewy the ſame, the perſon ſo charged foꝛ lewying of any ſuch ſummes by diſtreſſe, ſhall pertaine and take of the ſame diſtreſſe, foꝛ the labour of euery ſuch perſon going foꝛ the execution thereof, foꝛ euery mile that any ſuch perſon

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so laboureth for the same, two pence: and euery Farmer, Tenant, Guardian, Factor, or other whatsoeuer person being distrained, or otherwise charged for payment of any such summe or summes, or any other summe by reason of this Act, shalbe of such summe or summes of him or them so levyed & taken, acquitted & discharged at his next day of payment of the same, or at the delivery of such goods & chattells, as he that is so distrained had in his custody or gouernance, against him or them that shalbe so taxed & set, any graunt or writing obligatory, or other whatsoeuer matter to the contrary made heeretofore notwithstanding. And if any such person that should be so distrained, haue no lands or tenements sufficient, whereby he and his Tenants and Farmers may bee distrained, or haue aliened, eloyned, or hid his goods and chattells, wherby he should or might be distrained in such manner that such goods and chattells should not bee knowne or found, so that the summe of, or by him to be payde in the said Farme, shall not, ne can be conveniently levyed, then vpon relation thereof to the Cōmissioners, or to as many of them as by the said Commission shall bee thereunto appointed, where such person or persons were taxed & set by the oathes, of him or them that shalbe charged with the levying & payment of that summe or summes, the same Commissioners shall make a precept in such manner as is aforesaid for to attach, take & arrest the body of such person or persons that ought to pay the said summes, and by this Act shalbe charged with, and for the said summe or sūmes: And them so taken, safely to keep in prisō within the County or other place where any such person or persōs shalbe takē & attached, there to remain without baile or mainprise, vntill he haue payd the said summe or summes, that such person for himself, or for any other, by this Act shalbe chargeable, or ought to be charged withall, and also for the fees of euery such arrest to him or thē that shall execute such precept, twenty pence. And that euery Officer to whō such precept shalbe directed, doe his due diligēce & execute the same vpō euery person so being indebted, vpō paine to forfeit to the Kings Maiesty for euery default in that behalf, twenty shillings. And that no keeper of any Gaole, frō his Gaole suffer any such person to goe at large, by letting to baile, or otherwise to depart out of his prisō, before he hath payd his said debt, and the said twenty pence for the said arrest, vpon paine to forfeit to your Maiesty forty shillings. And the same Gaoler to pay to your Maiesty the double value aswell of the rate which the said persō so imprisoned was taxed at, as of the said twenty pence for the fees. And like processe & remedy in like forme shalbe granted by the said Cōmissioners, or as many of them as by the said Commission shall bee thereunto appointed at like information of euery person or persons, being charged with any summe of money for any other person or persons by reason of the said Subsidy, & not thereof payde, but wilfully with-drawne, nor the same leviable within the li-

mits where ſuch perſons were thereunto taxed, And if the ſumme or ſummes being behind and vnpayd by any perſon or perſons, as is aforeſaid, be levyed & gathered by force of the ſaid Proceſſe to be made by the ſaid Commiſſioners: or if in default, or for lack of payment thereof, the perſon or perſons ſo owing the ſaid ſummes of money by proceſſe of the ſame Commiſſioners to be made, as is aforeſaid, be committed to priſon in forme aboueſaid, that the ſaid Commiſſioners which ſhall adward ſuch proceſſe, ſhall make certificate thereof into the ſaid Exchequer, of that ſhalbe done in the premiſſes in the terme next following, after ſuch ſūme or ſūmmes of money ſo being behind, ſhalbe levyed & gathered, or ſuch perſon or perſons for non-payment of the ſame, cōmitted to priſon. And if it happen any of the ſaid Collectors to bee aſſigned, or any Maiors, Sheriffes, Stewards, Conſtables, Bayliffes, or any other Officer or Miniſter, or other whatſoeuer perſon or perſons to diſobey the ſaid Commiſſioners, or any of thē, in the reaſonable requeſt to them made by the ſaid Commiſſioners, for the execution of the ſaid Commiſſion, or if any of the Officers or other perſons, doe refuſe that to them ſhall appertaine or belong to doe, by reaſon of any precept to him or them to be directed, or any reaſonable cō-mandement, inſtance or requeſt touching the premiſſes, or other default in any apparance or collection to make, or if any perſon being ſuſpected, not being indifferently taxed, as is aforeſaid, doe refuſe to be examined, according to the tenure of this Act before the ſaid Cōmiſſioners, or as many of thē as ſhalbe therunto aſſigned, as is aforeſaid, or will not appeare before the ſame Cōmiſſioners vpon warning to him made, or els make reſiſtance, or reſcues, vpō any diſtreſſe vpon him to be takē for any parcell of the ſaid ſeuerall Subſidies, or commit any miſbehauiour in any manner of wiſe contrary to this Act, or commit any wilfull act or other whatſoeuer wilfull doings or miſdoing, contrary to the tenure of this Act or grant, the ſame Commiſſioners & euery number of them aboue-remembred, or two of them at the leaſt, vpon probable knowledge of any ſuch miſdemeanors, bad by infōrmatiō or examinatiō, ſhall & may ſet vpon euery ſuch offendor for euery ſuch offence, in the name of a Fine by the ſame offendor to be forfeited forty ſhillings, or vnder, by the diſcretion of the ſame Cōmiſſioners. And further, the ſame Commiſſioners & euery number of them, or two of them at the leaſt, ſhall haue authority by this preſent Act, to puniſh euery ſuch offendor by impriſonment, there to remaine, and to be deliuered by their diſcretiō as ſhall ſeeme to thē conuenient. The ſaid fines (if any ſuch be,) to be certified by the ſaid Cōmiſſioners that ſo aſſeſſed the ſame into your Maieſties Exchequer, there to be levyed & payd by the Collectors of that part of the ſaid ſeueral Subſidies returned into the ſaid Exchequer, to be therewith charged with the payment of the ſaid ſeuerall Subſidies, in ſuch manner as if the ſaid fines had bin ſet & taxed vpon the ſaid offendors for

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any of the ſaid ſeuerall Subſidies.

And be it alſo enacted by the ſaid authority of this preſent Parliament, that euery of the ſaid high Collectors, which ſhall accompt for any part of the ſaid ſeuerall Subſidies in the ſaid Exchequer vpon their ſeuerall accompts to be yeelded, ſhalbe allowed at euery of the ſaid payments of the ſaid ſeueral Subſidies for euery poſſd limited, to which collection wherof any ſuch Collector ſhalbe charged & yeeld accompt, ſix pence, as parcell of his or their charge, that is to ſay, of euery pound thereof for ſuch perſons as then haue had the particular collectiō of the Townes & other places, as is aforeſaid ſpecified in his collectiō, two pence. another two pence for euery pound therof, euery of the ſaid chief Collectors or their accomptants to retaine to their vſe for their labour & charge in and about the premiſſes, and two pence of euery pound reſidue to be deliuered, allowed & payd by the ſaid Collectors ſo being therof allowed to ſuch of the Commiſſioners as ſhall take vpon them the buſines & labour for & about the premiſſes, that is to ſay, euery Collector to pay that Commiſſioner or Commiſſioners which had the ordering of the writings of and for euery of the ſaid Subſidies reſpectiuely where the ſaid Collector or Collectors had their collection for the expences for the ſaid Cōmiſſioners, ſo taking vpon them the ſaid buſineſſe & labour of their Clearkes writing of the ſaid precepts & extracts of the ſaid Collectiōs, the ſame laſt two pence of euery pound to be diuided amongſt the ſaid Commiſſioners, hauing regard to their labour & buſines taken by them & their ſaid Clearks in & about the premiſſes: For which part to to the ſaid Commiſſioners appertaining, the ſaid Commiſſioners ſix, fiue, foure, three, or two, or as many of them as ſhalbe thereunto appointed by your Maieſties commiſſion, and euery of the iointly & ſeuerally for his & their ſaid part, may haue his remedy againſt the ſaid Collector or Collectors, which thereof been or might haue beene allowed by action of debt, in the which the Defendant ſhall not wage his law, neither protection, neither iniunction or eſſoyne ſhall bee allowed. and that no perſon now being of number of the Company of this preſent Parliament, nor any Commiſſioner ſhall bee named or aſſigned to be any Collector or Sub-collector, or preſenter of the ſaid Subſidies, or any part thereof, nor any Commiſſioner ſhalbe compelled to make any preſentment or certificate, other then into your Maieſties ſaid Exchequer, of, for, or concerning the ſaid Subſidies, or any part or parcell thereof. And likewiſe that no other perſon that ſhalbe named & aſſigned to be a Commiſſioner, in any place to and for the execution of this Act of Subſidy, bee or ſhalbe aſſigned or named head-Collector of any of the payments of the ſaid Subſidies, neither of any part thereof. And that euery ſuch perſon or perſons, which ſhalbe named and appointed, as is aforeſaid, to be head-Collector of and for the firſt payment of the ſaid Subſidies and collection thereof, or of any part thereof, ſhall

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not be compelled to be Collector for the second, or any other ensuing payments of the said Subsidies, nor for any part thereof. And the said Collectors which shalbe assigned for the collection of the said Subsidies, or any part thereof, and euery of them, be & shalbe acquited & discharged of all manner of Fees, rewards, and of euery other charges in your Maiesties Exchequer, or elsewhere, of them, or any of them by reason of that Collection, payments, or accompts, or any thing concerning the same, to be asked. And that if any person receiue or take any Fees, rewards or pleasures of any such accomptant, or vse any vnnecessary delay in their accõpt, that then he shall forfeit vnto your Maiesty, for euery penny, or value of euery penny or penny worth so taken, five shillings, and five pounds to the party grieued, for euery such delay, and suffer imprisonment at your Maiesties pleasure. And after euery taxing & assessing of the said seuerall Subsidies, as is aforesaid, had or made, and the said estreats thereof in parchment vnto the Collector, in manner & forme before rehearsed, deliuered, the said Commissioners which shall take vpon them the execution of this Act within the limits of their cõmission by their agreements, shall haue meetings together, at which meeting, euery of the said Commissioners which then shall haue taken vpon them the execution of any part of the said commission, shall by himself or his sufficient Deputy, truely certifie and bring forth vnto the said Commissioners named in the said commission, the certificate & presentment made before him & such other Commissioners as were limited with him in one limit, so that the same certificate may be accompted and cast with the other certificats of the other limits within the same commission. And then the said Commissioners, & euery number of thẽ vnto two at the least, as is aforesaid, if any be in life, or their executors or administrators of their goods, if they then be dead, shall iointly and seuerally, as they were diuided in their limits vnder their seales, by their discretion, make one or seuerall writings indented, containing as well the names of the said Collectors by the Commissioners for such collection & accompts in the Exchequer, and payments in the same Receipt deputed and assigned, as the grosse & seuerall summes written vnto euery such Collectors, to receiue the said seuerall Subsidies respectiuely, and also all fines, amerciaments, and other forfeitures, if any such by reason of this Act, happen to be within the precinct & limit of their commission, to be certified into your Maiesties said Exchequer by the said Cõmissioners, in which writing or writings indented, so to be certified, shalbe plainely declared & expressed the whole & intire summe or summes of the said Subsidies seuerally limited to the collectiõ of the said Collectors seuerally deputed & assigned to the collection of the said summes, so that none of the said Collectors so certified in the said Exchequer, shall be compelled there to accompt or to bee chargèd but only to & for the summes limited to his collection, and

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not to and for any summe limited to the collection of his fellowes, but euery of them shall bee seuerally charged for their part limited to their collection. And if the said Commissioners ioyned in one commission amongst themselues in that matter cannot agree, or if any of them be not ready, or refuse to make certificate with other of the same Commissioners, that then the said Commissioners may make seuerall Indentures in forme aforesaid, of their seueral limits or separations of Collectors, within the limits of their Commission vpon and in the Baronies, Cantreds, or such other like diuisions within the said seuerall limits of their Commission, as the places there shall require to be seuered and diuided, and as to the same Commissioners shall seeme good to make diuisions of their limits or collections for the seuerall charges of the same Collectors, so that alwayes one Collector shalbe charged, & accompt for his part to him to be limited onely by himselfe, and not for any summe limited to the part of any of his fellowes, and the charges of euery of the Collectors, to be set and certified seuerally vpon them. And euery such Collector vpon his accompt and payment of the summe of money limited within his collection, to be seuerally by himselfe acquitted & discharged in the said Exchequer, without paying any manner of fees or rewards to any person or persons for the same, vpon paine and penaltie last abouesaid, and not to be charged for any portion of any other Collector: and if any Commissioner after he hath taken certificate of them, that as is aforesaid shalbe before any such Commissioners examined, and the summes rated and set, and the bookes & writings thereof being in his hands, or if any Collector, or other person, charged with any receipt of any part of the said seuerall Subsidies, or any other person taxed, or otherwise by this Act charged with or for any part of the said seuerall Subsidies, or with any other summe, fine, amerciament, penaltie, or other forfeiture, happen to die before the Commissioners, Collectors, or other whatsoeuer person or persons haue executed, accōplished, satisfied, or sufficiently discharged that which to euery such person shall appertain or belong to doe, according to this Act: Then the Executors & heires of euery such person, and all other seized of any lands or tenements, that any such person being charged by this Act, and deceasing before hee bee discharged thereof, or any other to his vse onely had of estate of inheritance, at the time that any such person was named Commissioner, Collector, or otherwise charged with or for any manner of thing to be done, satisfied or payd by reason of this Act, & all those that haue in their possessions or hands, any goods, chattells, leases, or other things that were to any person or persons at the time of his death, or any lands or tenements that were to the same persōs at the time he was, as is aforesaid, charged by this Act, shalbe by the same compelled & charged to doe & accomplish in euery case, as the same person being so charged, should haue done, or might

haue beene compelled to doe, if he had been in plaine life after ſuch rate of the lands and goods of the ſaid Commiſſioner, or Collector, as the party ſhall haue in his hands. And if the ſaid Commiſſioners for cauſes reaſonable them mouing ſhall thinke it not conuenient to ioyne in one certificate, as is aforeſaid, then the ſaid perſon or perſons that ſhall firſt ioyne together, or hee that ſhall firſt certifie the ſaid writing indented, as is aforeſaid, ſhall certifie all the names of the Commiſſioners of that Commiſſion, whereupon ſuch writing ſhalbe there then to be certified with diuiſion of the Baronies, Cantreds, Hundreds, Tithings, and other places, to and among ſuch Commiſſioners of the ſaid Commiſſion with the names of the ſame Commiſſioners where ſuch ſeparations & diuiſions ſhalbe, with the groſſe ſummes of money, aſwell of & for the ſaid ſeuerall Subſidies, taxed or ſet, of or within the ſaid Baronies, Cantreds, Hundreds, Tithings, or other places to him or them diuided or aſſigned, that ſhall ſo certifie the ſaid firſt writing, as of the fines, amerciaments, penalties, and other forfeitures, if any happen to be within the ſame limits whereof the ſame writings ſhalbe certified, and after ſuch writing indented, which as is aforeſaid, ſhalbe certified, and not containe in it the whole & full ſummes ſet & taxed within the limits of the ſaid Commiſſion, the other Commiſſioners of the ſame, before the day of payment of the ſaid ſeuerall Subſidies reſpectiuely, ſhall certifie into the ſaid Exchequer by their writing or writings indented to be made, as is aforeſaid, the groſſe & ſeuerall ſummes, ſet & taxed within the places to them limited for euery of the ſaid Subſidies reſpectiuely, & other fines, amerciaments, penalties and forfeitures, with the names of the Baronies, Cantreds, Hundreds, Tithings, & other places to them aſſigned, or els by their ſaid writings indented to certifie at the ſame place before the ſame day of payment, ſuch reaſonable cauſes for their excuſes, why they may not make ſuch certificat of & for the ſaid Subſidies, fines, amerciaments, and other forfeitures & cauſes growing or ſet by reaſon of the cauſes of their letts, or of their not certifying, as is aforeſaid, or els in default thereof, proceſſe to be made out of your Maieſties ſaid Exchequer againſt the ſaid Commiſſioners, and euery of them not making certificat, as is aforeſaid, by the diſcretiõ of the court of Exchequer.

Prouided alwayes, and be it further enacted by the authority aforeſaid, that all and euery perſon & perſons, hauing Manors, Lands, Tenements, and other Hereditaments, chargeable to the payment of the ſaid ſeuerall Subſidies granted to your Maieſty by this Act, and alſo hauing ſpirituall poſſeſſions, chargeable to your Maieſty by the grant to be made by the Clergie of this Realme in their Conuocatiõ, and ouer this, hauing ſubſtãce in goods & chattels chargeable by this ſaid Act, that then if any of the ſaid perſon or perſons bee hereafter charged, or aſſeſſed and taxed for the ſaid Manors, Lands, and Tenements, and ſpirituall poſſeſſi-

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ons, and alſo aſſeſſed, charged, and taxed for his and their goods and chattells, that then he or they ſhalbe onely charged by vertue of this Act, for his and their ſaid Manors, Lands, Tenements, Hereditaments, and ſpirituall poſſeſſions, or onely for his ſaid goods and chattells, the beſt thereof to be taken for the Kings Maieſtie, and not to be charged for both, or double charged for any of them: any thing in this Act contained to the contrary in any wiſe notwithſtanding.

Prouided alwayes that this grant of Subſidies, or any thing therein contained in any wiſe extend not to charge the Prouoſt, Fellowes, & Scholliers of the Colledge of the holy Trinity neere Dublin, nor any Manors, Lands, Tenements, or other poſſeſſions, goods, chattells, or other moueable ſubſtance, which the ſaid Prouoſt, Fellowes, & Scholliers, or any others to their vſe, haue within this Realme of Ireland: any thing in this preſent Act to the contrary in any wiſe notwithſtanding.

Prouided alwayes, and be it enacted by the authority aforeſaid, that no Orphant or infant within the age of one & twenty yeeres, borne within any your Maieſties Dominions, ſhall be charged to any payment of theſe Subſidies, for his or her goods & chattells to him or her left or bequeathed; any thing in this Act contained to the contrary notwithſtanding.

Prouided neuertheleſſe, and be it enacted by the authority aforeſaid, that if any alien or ſtranger borne, Denizen or not Denizen, and dwelling or inhabiting within this Realme of Ireland, ſhall aſſigne or conuey ouer vnto any his or their childe or children, or to any other borne within any your Maieſties Dominions, any his or their lands, tenements, goods or chattells, to the intent thereby to defraud your Maieſtie of your ſaid Subſidies, or any part therof, of or for the ſame: That then all and euery ſuch childe and children ſo being ſeized of any ſuch lands & tenements, or poſſeſſed of any ſuch goods or chattells, ſhalbe charged & chargeable to and with the payment of double the ſaid Subſidie for the ſame lands, tenements, goods and chattells, at the ſaid rates & values, as aliens and ſtrangers, Denizens or not Denizens, are before limited and appointed to pay.

CAP II.

AN ACT FOR THE FVRther graunting of two entire Subſidies by the Temporaltie, above the foure Subſidies *now granted by this preſent Parliament.*

MEmorandum, That by this other Act of Parliament, enacted at the ſame Seſſions of this preſent Parliament, Two entire Subſidies more, ouer and aboue the ſaid Foure entire Subſidies graunted by the ſaid former Statute, were graunted vnto his Maieſtie, his Heires and Succeſſors, each of them to bee payde at two payments; the firſt payment thereof to bee made within ſix moneths next enſuing the firſt day of this preſent Seſſions of Parliament, and ſo alike payment to be made at the end of euery enſuing ſix moneths, vntill the ſaid Two laſt mentioned entire Subſidies be payde. The ſaid Two entire Subſidies to bee rated, tared and levyed of euery perſon Spirituall and Temporall, of what eſtate or degree he or they be of, according to the tenor of the ſaid former Act: And in the ſame manner and forme, as in the ſaid former Act is ſet downe and appointed for the ſaid Foure entire Subſidies thereby graunted.

CAP. III.

CAP. III

¶ An Act for confirmation of Letters Patents hereafter to be paſt upon his Majeſties Commiſsion of Grace, for the remedy of Defective Titles.

WHereas the Kings moſt excellent Maieſtie is giuen to vnderſtand, that diuers of his good & louing Subiects, hauing Manors, Lands, Tenements, and Hereditaments in vſe, poſſeſſion, remainder, or reuerſion, are notwithſtanding ſubiect to much queſtion and exception, either becauſe that they can deriue no Title from the Crowne, or becauſe the Letters Patents wherein any Manors, Lands, Tenements, and Hereditaments are mentioned to be paſſed or granted, are inſufficient in the Law, defectiue, doubtfull, or not ſo plaine, but that both for the preſent & in future times, much trouble, loſſe & diſquiet may ariſe and happen to the Owners, or pretended Owners of ſuch Manors, Lands, Tenements, and Hereditaments, which may alſo be a reaſon to diſcourage them in their endeauours in improuing & huſbanding their ſaid Lands, which tendes to the dammage of the Common-wealth. And where his Maieſty taking knowledge of the premiſſes, and minding to doe fauour to all his louing Subiects in thoſe caſes, and to ſettle, eſtabliſh & ſecure their Eſtates and poſſeſſions without any further queſtion hereafter, hath been pleaſed that the Lord Deputy of this Kingdome, and other Commiſſioners thereunto authorized, & to be authorized, ſhould take order vpon compoſitions for Fines or Rents, or both, to be reſerued for his Maieſty, as to their wiſdomes ſhould ſeeme fit, to ſecure and eſtabliſh the ſaid Manors, Lands, Tenements, and Hereditaments, by Letters Patents vnder the great Seale of this Kingdome, to be graunted thereof according to ſuch Eſtates, and in ſuch manner and forme as in the ſame Letters Patents ſhalbe mentioned or expreſſed. In performance of which his Maieſties gracious pleaſure, ſome compoſitions of that nature haue beene already made, and others are intended from time to time to be made, whereupon Letters Patents may be paſſed, as aforeſaid. Be it therefore enacted by the Kings moſt excellent Maieſty, the Lords Spirituall and Temporall, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That all and euery perſon or perſons, Bodies Politique and Corporate, aſwell Spirituall as Temporall, ſhall and may haue, hold, vſe, poſſeſſe, and enioy all ſuch Manors, Lands, Tenements, and Hereditaments, of what nature ſoeuer, according to the purport of the ſaid Letters Patents for ſuch Fines, Rents, reſeruations or duties, and with ſuch priuiledges, liberties, profits

and commodities, and in ſuch manner & forme, as in & by the ſaid Letters Patents ſhalbe limited and appointed. And be it further enacted by the authority aforeſaid, that the ſaid Letters Patents, and euery of them, and euery clauſe, article & ſentence in euery of them to be contained, ſhall ſtand & be ratified, allowed, approued and confirmed by the authority of this preſent Parliament. And that the ſame Letters Patents, and euery of them, ſhall ſtand and be of force to binde and conclude aſwell the Kings Maieſtie, his Heires and Succeſſors, as alſo all other parties to the ſame, their heires and aſſignes, and all clayming by, from, or vnder them, in all things according to the purport & true meaning of the ſame Letters Patents. And that euery clauſe, article & ſentence in them or any of them, to be contained, for euer, from and after the making of the ſame Letters Patents, ſhall ſtand, bee, and remaine, and be adiudged & taken to ſtand and be of ſuch & the ſame force & effect, to all intents and purpoſes, as if the ſame Letters Patents, and euery of them, and euery clauſe, article, and ſentence in them, and euery of them to be contained, were ſpecially and particularly heerein expreſſed, and by the authority of this preſent Parliament enacted. Sauing neuertheleſſe to all and euery perſon and perſons, and Bodies Politique & Corporate, their heires and ſucceſſors, other then the Kings Highnes his Heires & Succeſſors, all ſuch Actions, Eſtates, Poſſeſſions, Rights, Titles, Intereſts, Rents, vſes and demaunds, profits, commodities, and aduantages whatſoeuer, as they or any of them haue, ſhall, may, or ought to haue, of, in, to, or out of all or any of the premiſſes, in ſuch and in the ſame eſtate, degree, plight, manner and forme, to all intents and purpoſes, as if this Act had neuer beene had, ne made.

¶ Statuta

Statuta, Ordinationes,

Actus & Proviſiones, in Parliamento prædicto apud Caſtrum *Dublin*, prædicto die Martis, viz. quarto die Novembris, anno regni dicti Domini Regis *Angliæ, Scotiæ, Franciæ*, & *Hiberniæ* decimo: Coram prefato Deputato ſimiliter tento & ibidem continuato uſque ad decimum quintum diem Decembris tunc proximè ſequentis, & ibidem prorogato abinde uſque ad viceſimum ſextum diem Ianuarij tunc proximè ſequentis, ædita in hæc verba.

CAP. I.

An Act expreſsing an order for Vſes, Wills, and Enrollments.

Where by the Common Lawes of this Realme, Lands, Tenements, and Hereditaments be not diuiſible by Teſtament, nor ought to be tranſferred from one to another, but by ſolemne liuery and ſeizin, matter of record or writing ſufficiently made bona fide, without couin or fraude, yet neuertheleſſe diuers and ſundry imaginations, ſubtil inuentions and practiſes haue been vſed, whereby the hereditaments of this Realme haue been conueyed from one to another, by fraudulent Feoffments, Fines, Recoueries and other aſſurances, craftily made, to ſecret vſes, intents & truſts, and alſo by Wills and Teſtaments ſometimes

time made by nude parolx and wozds, sometime by signes and tokens, and sometime by wziting, and by the most part made by such persons as be visited with sickness in their extreame agonies & paines, oz at such time as they haue had skantly any good memory oz remembzance, at which times they being prouoked by greedy & coueteous persons, lying in waite about them, doe many times dispose indiscreetly and vnaduisedly, their Lands and Hereditaments, by reason whereof, and by occasion of which fraudulent Feoffments, Fines, Recoueries, and other like assurances to vses, confidences and trusts, diuers and many heires haue beene vniustly at sundzy times disinherited, the Lozds lost their wards, Maryages, Reliefs, Herriots, Escheats, Rides, Pur faire fitz chivaler, & Pur file marier, and seantly any person can be certainly assured of any Lands by them purchased, noz known surely against whom they shall vse their action oz execution foz their rights, title and dues. Also men marryed haue lost their tenancies by the courtesie, women their bowers, and manifest periuryes by tryall of such secret wills and vses haue beene committed. The Kings Highnes hath lost the profits and aduantages of the Lands of persons attainted, and the Lands craftily put in Feoffment to the vses of their wife, and also the profits of wastes foz a yeare and a day, of lands, of felons attainted, and the Lozds their Escheats thereof, and many other inconueniences haue happened, and daylie doe increase among the Kings Subiects, to their great trouble and vnquietnesse, and to the vtter subuersion of the ancient Common lawes of this Realme. Foz the extirping and extinguishment of all such subtill practised Feoffments, Fines, Recoueries, abuses and errozs heretofoze vsed & accustomed in this Realme, to the subuersion of the good and ancient Lawes of the same, and to the intent that the Kings Highnes, oz any other his Subiects of this Realme, shall not in any wise hereafter, by any meanes oz inventions, be deceiued, dammaged, oz hurted, by reason of such trusts, vses, oz confidences. It may please the Kings most Royall Maiestie, that it may be enacted by his Highnes, by the assent of the Lozds Spirituall and Tempozall, and the Commons in this present Parliament assembled, and by the authozity of the same, in manner and forme following, that is to say: That where any person oz persons stand oz be seized, oz at any time hereafter shall happen to be seized, of and in any Honozs, Castles, Manozs, Lands, Tenements, Rents, Seruices, Reuersions, Remainders, oz other Hereditaments, to the vse, confidence, oz trust of any other person oz persons, oz of any body politique, by reason of any bargain, sale, feoffment, fine, recouery, couenant, contract, agreement, will, oz otherwise, by any manner meanes whatsoeuer it bee, that in euery such case all and euery such person and persons, and bodies politique, that haue, oz hereafter shall haue any such vse, confidence, oz trust, in fee simple, fee tayle, foz terme of life, oz yeares, oz

otherwise;

otherwise: or any vse, cõfidence, or trust, in remainder, or reuerter, shall from henceforth stand & be seized, deemed & adiudged in lawfull seizin, estate, and possession of and in the same Honors, Castles, Manors, Lands, Tenements, Rents, Seruices, Reuersions, Remainders, and Hereditaments, with their appurtenances, to all intents, constructions & purposes in the law, of and in such like estates, as they had or shall haue, in vse, trust or confidence of or in the same. And that the estate, title, right and possession that was in such person or persons, that were, or hereafter shalbe seized, of any lands, tenements, or hereditaments, to the vse, confidence or trust of any such person or persons, or of any body politicke, bee from henceforth clearely deemed & adiudged to bee in him or them that haue, or hereafter shall haue such vse, confidence, or trust, after such quality, manner, forme & condition, as they had before, in or to the vse, confidence, or trust that was in them.

And be it further enacted by the authority aforesaid, that where diuers & many persons be, or hereafter shall happen to be, ioyntly seized of & in any lands, tenements, rents, reuersions, remainders, or other hereditaments, to the vse, confidence, or trust of any of them that be so iointly seized, that in euery such case that those person or persons, which haue, or hereafter shall haue any such vses, confidence, or trust in any such lands, tenements, rents, reuersiõs, remainders, or hereditaments, shall from henceforth haue, and be deemed & adiudged to haue, only to him or them that haue, or hereafter shall haue such vse, confidence or trust, such estate, possession & seizin, of & in the same lands, tenements, rents, reuersions, remainders, or other hereditaments in like nature, manner, forme, condition, and course, as he or they had before in the vse, confidence or trust of the same lands, tenements, or hereditaments. Sauing & reseruing to all and singular persons and bodies politique, their heires and successors, other then those person or persons which be seized, or hereafter shalbe seized, of any lands, tenements, or hereditaments, to any vse, confidence, or trust, all such right, title, entrie, interest, possession, rents, and action, as they or any of them had, or might haue had before the making of this Act.

And also sauing to all and singular those persons, and to their heires which be, or hereafter shalbe seized to any vse, all such former right, title, entrie, interest, possession, rents, customes, seruices, and action, as they or any of them might haue had to his or their owne proper vse, in or to any Manors, Lands, Tenements, Rents, or Hereditaments, whereof they be, or hereafter shalbe seized to any other vse, as if this present Act had neuer beene had or made: any thing contained in this Act to the contrary notwithstanding.

And where also diuers persons stand and be seized of and in any lands, tenements & hereditaments, in fee simple, or otherwise, to the vse or intent that some other person or persons shall haue &

perceiue yearely to them & to his or their heires, one annuall rent of ten pounds, or more, or lesse, out of the same lands & tenements, and some other person, one annuall rent to him and his assignes, for terme of life or yeares, or for some other speciall time, according to such intent & vse as hath been heretofore declared, limited, and made thereof.

Be it therefore enacted by the authority aforesaid, that in euery such case, the same persons, their heires and assignes, that haue such vse and interest, to haue and perceiue any such annuall rents out of any lands, tenements or hereditaments, that they & euery of them, their heires and assignes, be adiudged & deemed to bee in possession & seizin of the same rent, of and in such like estate, as they had in the title, interest, or vse of the said rent or profit, and as if a sufficient grant, or other lawfull conueyance had beene made and executed to them, by such as were or shalbe seized to the vse or intent of any such rent to be had, made or payde, according to the very trust and intent thereof. And that all and euery such person or persons as haue, or hereafter shall haue any title, vse and interest, in or to any such rent or profit, shall lawfully distraine for non-payment of the said rent, and in their owne names make aduowries, or by their Bayliffs or seruants, make cognizances & iustifications, and haue all other suits, entries & remedies for such rents, as if the same rents had been actually and really granted to them, with sufficient clauses of distresse, re-entry, or otherwise, according to such conditions, paines, or other things limited & appointed vpon the trust and intent for payment or surety of such rent.

And be it further enacted by the authority aforesaid, that whereas diuers persons haue purchased or haue estate, made & conueyed, of & in diuers lands, tenements, or hereditaments vnto them, and to their wiues, and to the heire of the husband, or to the husband, and to the wife, and to the heires of their two bodies begotten, or to the heires of one of their bodies begotten, or to the husband & to the wife, for terme of their liues, or for terme of life of the said wife: or where any such estate or purchase of any lands, tenemẽts or hereditaments hath beene, or hereafter shalbe made to any husband and to his wife, in manner and forme aboue expressed, or to any other person or persons, and to their heires and assignes, to the vse and behoofe of the said husband and wife, or to the vse of the wife, as is before rehearsed, for the ioynture of the wife: that then in euery such case, euery woman marryed, hauing such ioynture made, or hereafter to be made, shall not clayme nor haue title to haue any dower of the residue of the lands, tenements or hereditaments that at any time were her said husbands by whom shee hath any such ioynture, nor shall demaund nor clayme her dower of & against them that haue the lands and inheritances of her said husband. But if she haue no such ioynture, then shee shalbe admitted and enabled to pursue, haue and demaund her dower by writ

of

of dower, after the due course and order of the Common Lawes of this Realme: this Act or any law or prouision made to the contrary thereof notwithstanding.

Prouided alway, that if any such woman be lawfully expulsed or evicted from her said Joynture, or from any part thereof: without any fraud or covin, by lawfull entrie, or action, or by discontinuance of her husband: then euery such woman shalbe endowed of asmuch of the residue of her husbands tenements or hereditaments, whereof shee was before dowable, as the same lands and tenements so evicted and expulsed, shall amount or extend vnto.

Prouided also that this Act, nor any thing therein contayned or expressed, extend or be in any wise hurtfull or preiudiciall to any woman or woemen heeretofore being marryed, of, for, or concerning such right, title, vse, interest, or possession, as they or any of them haue, clayme or pretend to haue for her or their Joynture or dower, of, in, or to any Manors, lands, tenements, or other hereditaments of any of their late husbands, being now dead or deceased: any thing contained in this Act to the contrary notwithstanding.

Prouided also, that if any wife haue, or hereafter shall haue any Manors, lands, tenements or hereditaments vnto her giuen or assigned after the marriage for terme of her life, or otherwise in Jointure, except the same assurance be to her made by Act of Parliament, and the said wife after that, fortune to ouer-liue the same her husband, in whose time the said Jointure was made or assured vnto her: that then the same wife so ouer-liuing, shall & may at her libertie, after the death of her said husband, refuse to haue and take the lands & tenements so to her giuen, appointed or assured, during the Couerture for terme of her life, or otherwise in Jointure: except the same assurance bee to her made by Act of Parliament, as is aforesaid, & thereupon to haue, take, demaund, and take her dower by writ of dower, or otherwise, according to the Common Law, of and in all such lands, tenements and hereditaments, as her husband was & stood seized of any state of inheritance, at any time during the Couerture: any thing contayned in this Act to the contrary in any wise notwithstanding.

Prouided also, that this present Act, nor any thing therein contayned, extend or be at any time hereafter interpreted, expounded, or taken to extinct, release, discharge, or suspend any Statute, Recognizance, or other Bond, by the execution of any estate, of or in any lands, tenements, or hereditaments, by the authority of this Act to any person or persons, or bodies politique: any thing contayned in this Act to the contrary notwithstanding.

And forasmuch as great ambiguities & doubts may arise by the validity & invalidity of Wills heereto fore made of any lands, tenements & hereditaments, to the great trouble of the Kings Sub-

iects. The Kings moſt Royall Maieſtie minding the tranquility and reſt of his louing Subiects, of his moſt excellent and accuſtomed goodnes, is pleaſed & contented, that it be enacted by the authority of this preſent Parliament, that all manner of true & iuſt Wills & Teſtaments heeretofore made by any perſon or perſons deceaſed, or that ſhall deceaſe before the firſt day of May, which ſhalbe in the yeare of our Lord, one thouſand ſix hundred thirty & fiue, of any lands, tenements, or other hereditaments, ſhalbe taken & accepted good & effectuall in the Law, after ſuch faſhion, manner & forme, as they were commonly taken & vſed at any time within forty yeares next before the making of this Act: any thing contained in this Act, or in the preamble thereof, or any opinion of the Common Law to the contrary thereof notwithſtanding.

Prouided alwayes, that the Kings Highnes ſhall not haue, demaund or take any aduantage or profit, for or by occaſion of executing of any eſtate onely by authority of this Act, to any perſon or perſons, or bodies politique, which now haue, or on this ſide the ſaid firſt day of May, which ſhalbe in the yeare of our Lord, one thouſād ſix hundred thirty & fiue, ſhall haue any vſe or vſes, truſts or confidences in any Manors, Lands, Tenements, or Hereditaments, holden of the Kings Highnes, by reaſon of primer ſeizin, liuerie, Ouſter le maine, fine for alienation, reliefe, or herriots: but that fines for alienations, reliefes & herriots ſhalbe payde to the Kings Highnes. And alſo liueries, and Ouſter le maines, ſhalbe ſued for vſes, truſts & confidences to be made & executed in poſſeſſiō, by authority of this Act, after & from the ſaid firſt day of May, of Lands & Tenements, and other Hereditaments, holden of the King, in ſuch like manner and forme, to all intents, conſtructions and purpoſes, as hath heeretofore been vſed or accuſtomed by the order of the Lawes of this Realme.

Prouided alſo, that no other perſon or perſons, or bodies politique, of whom any Lands, Tenements, or Hereditaments, bee, or hereafter ſhalbe holden mediate or immediate, ſhall in any wiſe demand or take any fine, reliefe or herriot, for or by occaſion of the executing of any eſtate by the authority of this Act, to any perſon or perſons, or bodies politique, before the ſaid firſt day of May.

And be it enacted by the authority aforeſaid, that all & ſingular perſon & perſons, and bodies politique, which at any time on this ſide the ſaid firſt day of May, ſhall haue any eſtate vnto them executed of & in any lands, tenements, or hereditaments, by the authority of this Act, ſhall & may haue & take the ſame or like aduantage, benefit, vowcher, ayde, prayer, remedie, commodity, and profit, by action, entrie, condition, or otherwiſe, to all intents, conſtructions & purpoſes, as the perſon or perſons ſeized vnto their vſe, of or in any ſuch lands, tenements, or hereditaments ſo executed, had, ſhould, might, or ought to haue had, at the time of the execution of the eſtate thereof, by the authority of this Act, againſt

any

any other perſon or perſons, of or for any waſte, diſſeizin, treſpaſſe, condition broken, or any other offence, cauſe, or thing, concerning or touching the ſaid Lands or Tenements, ſo executed by the authority of this Act.

Prouided alſo, and be it enacted by the authority aforeſaid, that actions now depending againſt any perſon or perſons ſeized of or in any Lands, Tenements, or Hereditaments, to any vſe, truſt, or confidence, ſhall not abate nor be diſcharged for or by reaſon of executing any eſtate thereof, by authority of this Act, before the ſaid firſt day of May: any thing contained in this Act to the contrary notwithſtanding.

Prouided alſo, that this Act, nor any thing therein contayned, ſhall not be preiudiciall to the Kings Highnes for wardſhips of heires, now being within age, nor for liueries, nor for Ouſter le maines to be ſued by any perſon or perſons, now being within age, or of full age, of any Lands or Tenements vnto the ſame heire or heires now already deſcended: any thing in this Act contained to the contrary notwithſtanding.

Prouided alſo, and be it enacted by the authority aforeſaid, that all and ſingular Recognizances heretofore knowledged, taken or made to the Kings vſe, for or concerning any recoueries of any Lands, Tenements, or Hereditaments, heeretofore vſed or had by writ, or writs of entrie vpon diſſeizin in le poſt, ſhall frō hencefoorth be vtterly voyde and of none effect, to all intents, conſtructions and purpoſes.

And be it further enacted by the authority of this preſent Parliament, that frō the firſt day of May, which ſhalbe in the yeare of our Lord God, one thouſand fiue hundred thirty & fiue, no manors, lands, tenemēts, or other hereditamēts, ſhall paſſe, alter or change frō one to another, wherby any ſtate of Inheritance or Free-hold ſhalbe made or take effect in any perſō or perſōs, or any vſe thereof to be made, by reaſon only of any bargaine & ſale thereof, except the ſame bargaine & ſale be made by writing indented, ſealed & inrolled in any of the Kings Courts of Record at Dublin, or elſe within the ſame County or Countyes where the ſame Manors, lands or tenements ſo bargained and ſold, lye or be, before the Cuſtos Rotulorum, and two Juſtices of the peace, and the Clearke of the peace of the ſame County or Countyes, or two of them at the leaſt, whereof the Clearke of the peace to be one: And the ſame Inrollment to be had & made within ſix moneths next after the date of the ſame writings indented. The ſame Cuſtos Rotulorum, or Juſtices of the peace, and Clearke, taking for the inrollment of euery ſuch writing indented before them, where the lands compriſed in the ſame writings, exceed not the yearely value of forty ſhillings, two ſhillings, that is to ſay, twelve pence to the Juſtices, and twelve pence to the Clearke, and for the inrollment of euery ſuch writing indented before them, wherein the Lands compriſed exceede the

ſumme of fortie ſhillings in yearely value, five ſhillings, that is to ſay, two ſhillings ſix pence to the Juſtices, and two ſhillings ſix pence to the ſaid Clearke for the inrolling of the ſame. And that the Clearke of the peace for the time being, within euery ſuch County, ſhall ſufficiently inroll & ingroſſe in parchment, the ſame deeds or writings indented, as is aforeſaid, and the rolles thereof at the end of euery yeare, ſhall deliuer vnto the ſaid Cuſtos Rotulorum of the ſame County for the time being, there to remaine in the cuſtody of the ſaid Cuſtos Rotulorum for the time being, amongſt other Records of the ſame Counties, where any ſuch inrollments ſhall be ſo made, to the intent that euery party that hath to doe therewith, may reſort and ſee the effect and tenor of euery ſuch writing ſo inrolled.

Prouided alwayes, that this Act, nor any thing therein contained, extend to any manner Lands, Tenements, or Hereditaments, lying, or being within any Citty, Burrough, or Towne corporate within this Realme, wherein the Maiors, Recorders, Chamberlaines, Bayliffes, or other Officer or Officers, haue authority, or haue lawfully vſed to inroll any euidences, deedes, or other writings within their precincts or limits: any thing in this Act contained to the contrary notwithſtanding.

CAP. II.

¶ An Act how lands, tenements &c. may be diſpoſed by Will, or otherwiſe. And concerning Wards and primer ſeizin.

WHere the Kings moſt Royall Maieſtie, in all the time of his moſt gracious & noble raigne, hath euer beene a mercifull, louing, benevolent, and moſt gratious Soueraigne Lord, vnto all and ſingular his louing and obedient Subiects, in ſuch wiſe as all his ſaid Subiects be moſt bounden, to the vttermoſt of all their powers and graces by them receiued of God, to render and giue vnto his Maieſty their moſt humble reuerence and obedient thankes and ſeruices, with their daylie and continuall prayer to Almighty God, for the continuall preſeruation of his moſt Royall eſtate in moſt Kingly honour and proſperity. Yet alwayes his Maieſtie being repleat & endowed by God with grace, goodnes and liberality, moſt tenderly conſidering, that his ſaid obedient and louing Subiects cannot vſe and exerciſe themſelues according to their eſtates, degrees, faculties and qualities, or to beare themſelues in ſuch wiſe, as that they may conueniently keep and maintaine their hoſpitality and families, nor the good education and bringing vp of their lawfull generations, which in this Realme,

Realme (laud bee to God) is in all parts very great and abundant, but that in manner of neceſſity, as by daylie experience is manifeſted & knowne, they ſhall not be able of their proper goods, chattells & other moueable ſubſtance to diſcharge their debts, and after their degrees, ſet forth and aduance their children and poſterity. Wherefore our ſaid Soueraigne Lord moſt vertuouſly conſidering the mortality that is in euery perſon at Gods will & pleaſure moſt common & vncertaine, of his moſt bleſſed diſpoſition & liberalitie, being willing to relieue & helpe his ſaid ſubiects in their neceſſities & debilitie, is contented & pleaſed, that it be ordained & enacted by authority of this preſent Parliament, in manner & forme as hereafter followeth: That is to ſay, That all and euery perſon & perſons, hauing, or which hereafter ſhall haue any Manors, lands, tenements, or hereditaments, holden in ſocage, or of the nature of ſocage tenure, and not hauing any Manors, lands, tenements, or hereditaments, holdē of the King our Soueraigne Lord by Knights ſeruice, by ſocage tenure in chiefe, or of the nature of ſocage tenure in chiefe, nor of any other perſon or perſons by Knights ſeruice, from the firſt day of May, in the yeare of our Lord God, one thouſand ſix hundred thirty & fiue, ſhall haue full & free libertie, power & authority to giue, diſpoſe, will & deuiſe, aſwell by his laſt will & Teſtament in writing, or otherwiſe by any Act or Acts lawfully executed in his life, all his ſaid Manors, lands, tenements, or hereditaments, or any of them at his free will and pleaſure, any law, ſtatute, or other thing heretofore had, made, or vſed to the contrary notwithſtanding. And that all & euery perſon & perſons hauing Manors, lands, tenements, or hereditaments, holden of the King our Soueraigne Lord, his heires or ſucceſſors in ſocage, or of the nature of ſocage tenure in chiefe, and hauing any other Manors, lands, tenements or hereditaments holden of any other perſon or perſons in ſocage, or of the nature of ſocage tenure, and not hauing any Manors, lands, tenements, or hereditaments holden of the King our Soueraigne Lord by Knights ſeruice, nor of any other Lord or perſon by the like ſeruice, from the ſaid firſt day of May in the ſaid yeare of our Lord God, one thouſand ſix hundred thirty & fiue, ſhall haue full & free libertie, power, and authority to giue, will, diſpoſe & deuiſe aſwell by his laſt will or Teſtament in writing, or otherwiſe by any Act or Acts lawfully executed in his life, all his ſaid Manors, lands, tenements, & hereditaments, or any of them at his free will and pleaſure, any law, ſtatute, cuſtome, or other thing heretofore had, made, or vſed to the contrary notwithſtanding. Hauing alway and reſeruing to the King our Soueraigne Lord, his heires and ſucceſſors, all his right, title, and intereſt of primer ſeizin & reliefes, and alſo all other rights and duties for tenures in ſocage, or of the nature of ſocage tenure in chiefe, as heretofore hath been vſed and accuſtomed, the ſame Manors, lands, tenements and hereditaments, to

be taken, had and ſued out of, and from the hands of his Highnes, his heires and ſucceſſors, by the perſon or perſons, to whom any ſuch Manors, lands, tenements or hereditaments ſhalbe diſpoſed, willed, or deuiſed in ſuch & like manner & forme as hath beene vſed by any heire or heires before the making of this ſtatute. And ſauing and reſeruing alſo fines for alienations of ſuch Manors, Lands, tenements, or hereditaments holden of the King our Soueraigne Lord in ſocage, or of the nature of ſocage tenure in chief, whereof there ſhalbe any alteration of free-hold or inheritance, made by will or otherwiſe, as is aforeſaid. And it is further enacted by the authority aforeſaid, that all and ſingular perſon and perſons, hauing any Manors, lands, tenements or hereditaments of eſtate of inheritance holden of the Kings Highnes in chiefe by Knights ſeruice, or of the nature of Knights ſeruice in chiefe, from the ſaid firſt day of May, ſhall haue full power and authority by his laſt Will, by writing, or otherwiſe by any Act or Acts lawfully executed in his life, to giue, diſpoſe, will or aſſigne two parts of the ſame Manors, lands, tenements, or hereditaments, in three parts to be diuided, or elſ as much of the ſaid Manors, lands, tenements, or hereditamēts, as ſhall extend or amount to the yearely value of two parts of the ſame in three parts to bee diuided in certainty, and by ſpeciall diuiſions, as it may be known in ſeueraltie, to and for the aduancement of his wife, preferment of his children, and payment of his debts, or otherwiſe at his will and pleaſure: any law, ſtatute, cuſtome, or other thing to the contrary thereof notwithſtanding. Sauing & reſeruing to the King our Soueraigne Lord, the cuſtodie, wardſhip, and primer ſeizin, or any of them, as the caſe ſhall require, of almuch of the ſame Manors, lands, tenements, or hereditaments, as ſhall amount & extend to the full & cleare yearely value of the third part thereof, without any diminution, dower, fraud, couin, charge or abridgment of any of the ſame third part, or of the full profits thereof. Sauing alſo & reſeruing to the King our Soueraigne Lord, all fines for alienations of all ſuch Manors, lands, tenements, and hereditamēts holden of the King by Knights ſeruice in chiefe, whereof there ſhall be any alteration of free-hold or inheritance, made by will, or otherwiſe, as is aboueſaid. And be it enacted by the authority aforeſaid, that all and ſingular perſō and perſōs hauing Manors, lands, tenements or hereditaments of eſtate of inheritance holden of the King in chief by knights ſeruice, and hauing other Manors, lands, tenements, or hereditaments holden of the King, or of any other perſō or perſōs by knights ſeruice, or otherwiſe, euery ſuch perſō or perſōs from the ſaid firſt day of May, ſhall haue full power and authority to giue, diſpoſe, will or aſſigne by his laſt will in writing, or otherwiſe by any Act or Acts lawfully executed in his life, two parts of the ſame Manors, lands, tenements and hereditaments, in three parts to bee diuided, or elſe almuch of the ſame

Manors,

Manors, lands, tenements & hereditaments, as shall extend or amount to the yearly value of two parts of the same, in three parts to be diuided in certainty & by speciall diuisiõs, as it may be known in seueralty, to & for the advãcement of his wife, preferm̃et of his childr̃, and payment of his debts, or otherwise at his will & pleasure: Any law, statute, custome, or other thing to the cõtrary therof notwithstanding. Sauing alway & reseruing to the King our Soueraigne Lord, the custody, wardship & primer seizin, or any of them, as the case shall require, of almuch of the same Manors, lands, tenem̃ets, or other hereditam̃ets, as shall amount & extend to the full & cleare yearly value of the third part therof, without any manner diminutiõ, dower, fraud, covin, charge or substractiõ of the same third part, or the full profits thereof. Sauing alway & reseruing to our said Soueraigne Lord the King, all fines for alienatiõ of any such Manors, lands, tenements, or hereditaments, holdẽ of the King by knights seruice in chief, whereof there shalbe any alteration of freehold or inheritãce, made by Will or otherwise, as is aboue said. Be it further enacted by the authority aforesaid, that if any persõ or persõs hold any Manors, lands, tenements or hereditaments onely of any other Lord or person thẽ the King our said Soueraigne Lord by knights seruice, and other lands & tenements in socage, or of the nature of socage tenure, that thẽ euery such persõ shall or may, giue, dispose, or assure by his last Will, or otherwise, by any Act or Acts lawfully executed in his life, two parts of the said Manors, lands, & tenements, holdẽ by knights seruice, or of almuch thereof as shall amount to the full yearly value of two parts, in manner & forme as is aboue declared. And also all the lands & tenem̃ets holdẽ by socage or of the nature of socage tenure, at his will & pleasure, as is aboue writtẽ. Sauing & reseruing to the Lords of the lands & tenem̃ets, holdẽ by knights seruice, for his custody & wardship, almuch of the same lands & tenem̃ets as shall extend & amount to the full & cleare yearly value of the third part of the same lands & tenem̃ets, holden by knights seruice, without any diminution, dower, fraud, covin, charge or substractiõ of any portiõ of that third part, or of the cleare yearly value thereof in manner & forme aforesaid. And be it further enacted by the authority aforesaid, that if any persõ or persõs hold any Manors, lands, tenements or hereditaments only of the King our Soueraigne Lord by knights seruice, and not in chiefe, or hold any Manors, lands, tenements or hereditaments, of our said Soueraigne Lord by knights seruice, and not in chief, and also hold other Manors, lands, tenements, and other hereditaments, of any other person or persons by knights seruice, and also hold other Manors, lands, tenem̃ets or hereditaments of any other person or persons in socage, or of the nature of socage tenure: that thẽ all & euery such person & persons, shall & may, giue, dispose, will, deuise, and assure by his last Will, or otherwise, by any Act or Acts lawfully done & executed in his life-time, two parts of the same Manors, lands, tenements & hereditaments, holden of our said Soueraigne

Lord the King by knights ſeruice, and two parts of the Manors, lands, tenements & hereditaments, holden of any perſon or perſons by knights ſeruice, or almuch of either of them as ſhall amount to the full yearly value of two parts, in manner & forme, as is aboue declared: and alſo all his lands & tenements ſo holdē in ſocage, or of the nature of ſocage tenure, at his free will & pleaſure. Sauing and reſeruing to the Kings Highnes the cuſtody & wardſhip of almuch of the ſame Manors, lands, tenemēts, or other hereditaments, as ſhall extend & amount to the full & cleare yearely value of the third part of the ſaid Manors, lands, tenements & hereditaments ſo holden of his Highnes by knights ſeruice, without any diminution, power, fraud, covin, charge and ſubſtraction of any portion of that third part, or of the full profits thereof. And alſo ſauing and reſeruing to the Lords, of whom any of the ſaid Manors, lands, tenements, or other hereditaments been holden by knights ſeruice for the cuſtody & wardſhip, as much of the ſame Manors, lands, tenements or hereditaments, holdē of them, or any of them by knights ſeruice as ſhall extēd & amoūt to the full & cleare yearly value of the third part of the ſame, without any diminutiō, charge, fraud, covin, or ſubſtractiō of any portiō of that third part, or of the cleare yearly value of the third part thereof, in manner & forme aboue declared.

Prouided alway & it is further enacted by the authority aforeſaid, that if that third part of the Manors, lands, tenements, or hereditaments of any of the Kings ſubiects, which in any of the caſes aboueſaid, ſhall hereafter come to the Kings Highnes, his heires or ſucceſſors by vertue of this Act, as is aboueſaid, be not, or doe not amount to the cleare yearly value of the third part of all the ſaid Manors, lands, tenements, or other hereditaments, wherof the Kings Highnes is or ſhalbe intituled to haue the cuſtody or primer ſeizin, as is aboueſaid: That then our ſaid Soueraigne Lord and his heires, ſhall and may at his or their free liberty and pleaſure, take into his or their hands and poſſeſſion, as much of the other two parts of the ſaid Manors, lands, tenements, and other hereditaments, as with that of the ſame Manors, lands, tenements, or hereditaments holden, remaining in the Kings hands, ſhall make vp the cleare yearely value of the full third part of the ſaid Manors, lands, tenements & hereditaments ſo to be had to the Kings Highnes in title of wardſhip and primer ſeizin, or any of them, as the caſe ſhall require. And like benefit and aduantage to be giuen to euery Lord and Lords, of whom any ſuch Manors, lands, tenements, or hereditaments, beene or ſhalbe holden by knights ſeruice, as is aboueſaid, concerning onely his third part of or for title of wardſhip.

Prouided alway, and be it further enacted by the authority aforeſaid, that euery perſon and perſons ſhall ſue their Liueries for poſſeſſions, reuerſions or remainders, and alſo pay reliefes and herriots after ſuch manner and forme, as they ſhould or ought to haue done before the making of this Act, and as if this Act had neuer beene made. And that fines for alienations ſhalbee payd in the

Kings

Kings Chancery, for and vpon writs of entry in the post, to be obtained in the same Court of Chancery, after the said first day of May, for cõmon Recoueries to be had or suffred of any Manors, lands, tenements, or hereditaments, holden of the King in chiefe, in like manner & forme, as is vsed vpon alienations of such Manors, lands, tenements, or hereditaments so holden in chiefe, by fine or feoffment.

Prouided also, and be it enacted by the authority aforesaid, that in such cases where fines for alienations shalbe payd in the Kings Chancery, for writs of entrie in the post, as is aforesaid, that then none other fine shall bee payde in the same Court for any such writs: Any vsage or custome to the contrary thereof notwithstanding.

And bee it further enacted by the authority aforesaid, That where two or more persons now hold, or hereafter shall hold any Manors, Lands, Tenements, or Hereditaments of the King our Soueraigne Lord by knights seruice ioyntly to them, and to the heires of one of them, and he that hath the inheritance thereof, dyeth, his heire being within age, that in euery such case, the King shall haue the ward and the marriage of the body of such heire so being within age, the life of the Free-holder or Free-holders of the said Manors, Lands, Tenements, or Hereditaments, so holden by knights seruice notwithstanding. Sauing & reseruing to all & euery woman and women, all and euery such right, title, and interest of dower, as they or any of them ought to haue, or be, or shall be iustly intituled to haue clayme or demaund of any Manors, lands, tenements, or hereditaments, by the Lawes of this Realme to be taken or assigned vnto them, or any of them, out of the two parts of the said Manors, Lands, Tenements, or Hereditaments, seuered & diuided from the third part, as is aboue said, and not otherwise. And sauing also to the King our Soueraigne Lord, his heires and successors, the reuersions of all such Tennants in ioynt tenure & dower, immediatly after the death of all such Tennants, if they shall happen to dye during the minority of the Kings Wards.

And further for a plaine declaration and explanation of all and euery the clauses, sentences and articles aboue in this present Act contained, mentioned or expressed: and for the avoyding of all ambiguities, doubts & questions that may arise in the exposition of the before mentioned premisses: And to the intent and purpose that the Kings obedient and loving Subiects shall and may take the commodity and advantage of the Kings said gratious and liberall disposition: The Lords Spirituall and Temporall, and the Cõmons in this present Parliament assembled, most humbly beseeche the Kings Maiestie, that the meaning of all and euery the clauses, sentences and articles aboue in this present Act contayned, concerning such matters hereafter rehearsed, may bee by the

authority of this present Parliament enacted, taken, expounded, declared and explained in forme and manner following. First where it is in this Act before expressed, that all and singular person & persons having any Manors, lands, tenemẽts or hereditaments, of estate of inheritance, should haue full and free power, liberty & authority to giue, will, dispose, or assigne, aswell by his last will & Testament in writing, or otherwise, by any Act or Acts lawfully executed in his life, his Manors, lands, tenements, or hereditaments, or any of them, in such manner & forme as is herein formerly contained & specified. Which words (of estate of inheritance) by the authority of this present Parliament is & shall be declared, expounded, taken & iudged of estates in fee simple onely. And also, that all and singular person and persons, hauing a sole estate in fee simple, or seized in fee simple, in Copercenerie, or in Common in fee simple, of and in any Manors, lands, tenements, rents, or other hereditaments in possession, reuersion, or remainder, or of rents or seruices, incident to any reuersion or remainder, and hauing no Manors, lands, tenements, or hereditaments holden of the King, his heires or successors, or of any other person or persons by knights seruice, shall haue full and free liberty, power and authority to giue, dispose, will, or deuise to any person or persons (except bodies politicke & corporate) by his last will & Testament in writing or otherwise by any Act or Acts lawfully executed in his life by himselfe solely, or by himselfe and others, ioyntly, seuerally, or particularly, or by all those wayes, or any of them, as much as in him of right is, or shalbe, all his said Manors, lands, tenements, rents and hereditaments, or any of them, or any rents, Commons, or other profits or commodities, out of, or to be perceiued of the same, or out of any parcell therof, at his own free will and pleasure: Any clause in this Act formerly mentioned notwithstanding.

And further be it declared & enacted by the authority aforesaid, that all & singular persõ & persõs, hauing a sole estate or interest in fee simple, or seized in fee simple in Copercenery, or in Common in fee simple, of or in any Manors, lands, tenements, rents, or hereditaments in possession, reuersiõ or remainder, or of & in any rents or seruices incident to any reuersion or remainder, holden of the King by knights seruice in chiefe, or of the nature of knights seruice in chiefe, hath, & by the authority of this present Parliament shall haue full and free liberty, power & authority, to giue, dispose, will, or assigne to any person or persons (except bodies politicke & corporate) by his last Will and Testament in writing, or otherwise, by any Act or Acts lawfully executed in his life, by himselfe solely, or by himselfe and others ioyntly, seuerally, or particularly, or by all those wayes, or any of them, as much as in him of right is, or shalbee, two parts of all the said Manors, lands, tenements, rents & hereditaments, as of all & singular his other rents and he-

reditaments, or of any of them, or any rents, Commons, or other profits or commodities, out of, or to be perceiued of the same two parts, or out of any parcell thereof, in three parts to be diuided, or asmuch thereof as shall amount to the full & cleare yearely value of two parts thereof, in three parts to be diuided, of what person or persons soeuer they be holden, at his free will & pleasure. And that by the authority aforesaid, the said Will so declared, shalbe good & effectuall for two parts of the said Manors, lands, tenements, & hereditaments, although the Will so declared, bee made of the whole, or more then two parts of the same. The same diuision to be made and set forth by the Diuisor or Owner of the same Manors, lands, tenements, & hereditaments, by his last Will in writing, or otherwise in writing. And in default thereof by a Cõmission to be graunted out of the Kings Court of the Wards and Liueries, vpon the inquirie of the true value thereof, by the oathes of Twelue men, and returne or certificate thereof had in the same Court, of the said Manors, lands, tenements, & hereditaments, diuision to be made by the Master of the Wards & Liueries, if the Master of the Wards & Liueries for the time being, and the parties thereunto cannot otherwise agree vpon the same diuisiõ. And that the issues and profits of the two parts of the same Manors, lands, tenements and hereditaments vpon euery such diuision, to be restored to them that shall haue right or title to the same, from the death of the Owner or Diuisor thereof.

And further be it enacted & declared by the authority aforesaid, That all and singular person and persons, hauing a sole estate or interest in fee simple, or seized in fee simple, in Copercenerie, or in Common in fee simple, of and in any Manors, lands, tenements, rents, or other hereditaments in possession, reuersion, or remainder, or of and in any rents or seruices incident to any reuersion, or remainder, holden of the King, his heires or successors, by knights seruice, and not in chiefe, or holden of any other person or persons by knights seruice, shall haue full and free libertie, power and authority to giue, dispose, will, or deuise, to any person or persons (except bodies politicke and corporate) by his last Will and Testament in writing, or otherwise, by any Act or Acts lawfully executed in his life by himselfe solely, or by himselfe and another ioyntly, seuerally, or particularly, or by all those wayes, or any of them, asmuch as in him of right is, or shalbe, two parts of all the said Manors, lands, tenements and hereditaments, or any of them so holden by knights seruice, or any rents, commons or other profits or commodities, out of, or to be perceiued of the same two parts, or out of any parcell thereof in three parts to bee diuided, or asmuch thereof as shall amount to the full and cleare yearly value of two parts thereof in three parts to bee diuided, at his free will and pleasure. And that the said Will so declared by authority aforesaid, shall be good and effectuall for two parts of the

ſaid Manoꝛs, Lands, Tenements, oꝛ Hereditaments, although the Will ſo declared, be oꝛ ſhalbe made of the whole lands & tenements ſo holden by knights ſeruice, oꝛ of moꝛe then of two parts of the ſame. And alſo foꝛ the whole of all other ſuch Manoꝛs, lands, tenements, oꝛ hereditaments, oꝛ any of them not holden of the King by knights ſeruice in chiefe, oꝛ otherwiſe by knights ſeruice, noꝛ of any other perſon by knights ſeruice, and of any rents, commons, oꝛ other pꝛofits oꝛ commodities, out of, oꝛ to be perceiued of the ſame, oꝛ out of any parcell thereof, at his free will and pleaſure. The ſame diuiſion to be made and ſet foꝛth by the owner of the ſaid Manoꝛs, lands, tenements, and hereditaments, by his laſt Will & Teſtament in wꝛiting, oꝛ otherwiſe in wꝛiting. And in default therof foꝛ ſomuch of the ſame Manoꝛs, lands, tenemẽts and hereditamẽts, as ſhall concerne the Kings intereſt by cõmiſſion, to be directed out of the Kings Court of the Wards and Liueries, in manner and foꝛme, as is afoꝛeſaid, if the Maſter of the Wards & Liueries foꝛ the time being, and the parties thereunto cannot otherwiſe agree vpon the ſame diuiſion: And that reſtitution of the iſſues & pꝛofits of the two parts thereof ſhalbe had and made in manner & foꝛme aboueſaid. And foꝛ ſuch of the ſame Manoꝛs, lands, tenements and hereditaments, as ſhall concerne the intereſt of any other Loꝛd oꝛ Loꝛds by commiſſion to bee granted out of the Kings Court of Chancery to inquire thereof by the oathes of twelue men, if the ſame Loꝛd oꝛ Loꝛds, and the parties thereunto cannot otherwiſe agree vpon the ſame diuiſion.

And be it further enacted and declared by authoꝛity afoꝛeſaid, that the ſauings, reſeruings, and pꝛouiſions, concerning ſauing of the cuſtody, wardſhip, reliefe and pꝛimer ſeizin to the King, of ſuch Manoꝛs, lands, tenements and hereditaments, oꝛ aſmuch thereof as ſhall appertaine vnto him by vertue of any the clauſes, ſentences, oꝛ articles aboue in this pꝛeſent Act ſcontayned during the Kings intereſt therein: And alſo of the cuſtody & wardſhip to other Loꝛds of aſmuch of ſuch Manoꝛs, lands, tenemẽts & hereditamẽts holden of them as ſhall amount & extend to the cleare yearly value of the third part thereof, ouer and aboue all charges, without any diminution oꝛ abꝛidgement of the third part, oꝛ of the full pꝛofits thereof, compꝛiſed & mentioned in the ſaid articles, clauſes, oꝛ ſentences aboueſaid, oꝛ any of them, bee and ſhalbee intended, expoũded & taken, as heereafter enſueth: That is to ſay, That the King ſhall haue and take foꝛ his full third part of all ſuch Manoꝛs, lands, tenements, and hereditaments, whereunto he is oꝛ ſhalbe intituled by this pꝛeſent Act, ſuch Manoꝛs, lands, and tenements, as ſhall by any meanes deſcend, oꝛ come by deſcent, aſwell of eſtate of inheritance in fee tayle, as in fee ſimple, oꝛ in fee taile only to the heire of any ſuch perſon that ſhall make any Will, gift, diſpoſition oꝛ deuiſe by his laſt Will in wꝛiting, oꝛ by any other Act oꝛ Acts lawfully executed in his life, immediatly after the death

death of the same Deuisor or Owner thereof. And that the Will, gift, and deuise of euery such Deuisor or Owner, of & for the two parts of the said Manors, lands, tenements and hereditaments residue, shall by the authority aforesaid, be, and stand good and effectuall in the Law, albeit the same Will gift, or deuise, be had and made of all his fee simple lands, tenements, & hereditaments, or of the more part thereof. And in case the same Manors, lands, tenements & hereditaments, which after the death of any such Owner & Deuisor, which shall make any such gift, disposition, or deuise by his last will in writing, or otherwise by any Act or Acts lawfully executed in his life, to his wife, children, or otherwise, as is aforesaid, which shall immediatly after his death, descend, revert, remaine, or come to his heire or heires, aswell of estate of inheritance in fee tayle, as of estate in fee simple, or fee tayle onely, be not or shall not amount or extend to the full cleare yearly value of the full third part, with the full profits thereof, of all the said Manors, lands, tenements, or other hereditaments of the said Deuisor or Owner, according to the true intent and meaning of this present Act: That then the King shall and may, haue and take into his hands and possession, to make vp his full third part, with the full profits thereof, according to his interest therein, asmuch of the other Manors, lands, tenements, or hereditaments, willed, giuen, disposed or assigned by any such person, to his wife, children, or otherwise as is aforesaid, as with such of the same Manors, lands, tenements, or hereditaments descended, or by any meanes come vnto the heire, as heire of any such Deuisor or Owner, shall make vp the cleare yearely value of the said third part, with the full profits thereof, of all the said Manors, lands, tenements, or hereditaments of euery such Owner or Deuisor, so to be had to the King, in title of Wardship or primer seizin, as the case shall require: And the Diuision thereof to be had and made, and with the restitution of the profits of the two parts of the said Manors, lands, tenements and hereditaments in such manner and forme as is aboue rehearsed. And like benefit & advantage to be giuen, had, and taken by the said authority to euery Lord & Lords, of who any such Manors, lands, tenements, or hereditaments, beene or shalbe holden by knights seruice, in manner and forme as is abouesaid, concerning onely his or their third parts thereof, according to their said interest therein.

And be it further enacted by the authority aforesaid, That if it happen the same third part, or any part thereof, left, willed, or assigned to the King, or other Lord, at any time during their interests therin to be lawfully evicted or determined: That then the King & the other Lord shall haue asmuch of the two parts residue as shall accomplish and make vp a full third part in cleare yearely value after the rate and portion of such Manors, lands, tenements, and hereditaments as shall then happen to remaine of the same

ſame third part, not euicted nor determined, and of the other two parts of ſuch other lands, tenements, and hereditaments, as the King or other Lord ſhould or ought to haue had by vertue of this preſent Act: and the ſame to be diuided in manner & forme aboue rehearſed: Any clauſe in this Act notwithſtanding.

And be it further enacted and declared by the authority aforeſaid, that the ſauing and reſeruing for fines for alienation by any ſuch laſt Will & Teſtament, of ſuch Manors, lands, tenements, or hereditaments, holden of the King by knights ſeruice in chiefe, or of the nature of knights ſeruice in chiefe, or by ſocage in chiefe, or of the nature of ſocage tenure in chiefe, or for fines for alienatiō of ſuch Manors, lands, tenements, or hereditaments, whereof there ſhalbe any alteration of free-hold, or of inheritance made by any ſuch laſt Will, compriſed in diuers and ſundry articles in this Act formerly mentioned, bee, and ſhalbe intended, expounded, taken, deemed and adiudged by the authority aforeſaid: That all ſuch perſon or perſons, to whom the ſaid Manors, lands, tenements, or hereditaments, or any of them, be or ſhalbe, giuen, diſpoſed, willed or deuiſed by any ſuch laſt Will, ſhalbe exoncrated, acquitted and diſcharged for euer againſt the King, his heires and ſucceſſors, for all ſuch fines for alienations, by any ſuch laſt Will or Teſtament, without licence, by ſueing forth of the Kings pardon for alienation out of the Kings Court of Chancerie, paying to the King, his heires or ſucceſſors, for the fine of any ſuch alienation, the third part of the yearely value of the ſame Manors, lands, tenements, or other hereditaments to him or them willed or deuiſed; and this Act from time to time ſhalbe a ſufficient warrant to the Lord Chancellour of Ireland, or Keeper of the Great Seale for the time being, for the graunting out of the ſaid pardon or pardons vnder the Kings Great Seale, as heeretofore hath beene vſed for pardons for alienations, without any further ſuit to bee made to the King for the ſame.

And it is further declared and enacted by authority aforeſaid, that Wills or Teſtaments made of any Manors, lands, tenements or other hereditaments, by any woman couert, or perſon within the age of one & twenty yeares Idiot, or by any perſon de non ſane memorie, ſhall not be taken to be good or effectuall in the Law. And be it further enacted by the authority aforeſaid, that if any perſon or perſons hauing eſtate of Inheritance, or in Manors, lands, tenements, or hereditaments, holden of the King by knights ſeruice in chiefe, or otherwiſe of the King by knights ſeruice, or of any other perſon or perſons by knights ſeruice, hath giuen at any time ſince the firſt day of this preſent Parliament, or hereafter ſhall giue, will, diſpoſe, or aſſigne by Will or other Act executed in his life, his Manors, lands tenements or hereditaments, or any of them, by fraude or couin, to any other perſon or perſons, for terme of yeares, life or liues, with one remainder ouer in fee, or

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with diuers remainders ouer for terme of yeares, life, or in tayle, with a remainder ouer in fee simple, to any person or persons, or to his or their right heires, or at any time sithence the said first day of this present Parliament hath conveyed or made, or hereafter shall convey or make by fraud or covin, contrary to the true intent of this Act, any Estates, Conditions, Mesnaltes, tenures or conveyances, to the intent to defraud or deceive the King of his prerogatiue, primer seizin, liuery, relefe, wardship, marriages or rights: Or any other Lord of their wardships, relefes, heriots, or other profits which should or ought to accrew, grow, or come vnto them or any of them, by, or after the death of his or their tenant, by force, and according to this present Act & declaration: and the same estates & other conveyances being found by office to bee so made or contriued by covin, fraud or deceipt, as is aboueſaid, contrary to the true intent & meaning of this present Act and Declaration: That then the King shall haue aswell the wardship of the body & custody of the lands, tenements, & hereditaments, as liuery, primer seizin, relief, and other profits which should or ought to appertaine to the King, according to the true intent & meaning of this present Act, as though no such estates or conveyances by covin, had neuer beene had or made, vntill the said office bee lawfully vndone by trauerse or otherwise. And that the other Lord & Lords of whom any such Manors, lands, tenements, or hereditaments shalbe holden by knights seruice, as is aforesaid, shall haue their remedie in such cases for his or their wardships of bodies & lands, by writ of right of Ward, and shall distraine & make avourie or cognizance by themselues or their Bayliffs for their relefes, herriots, and other profits which should haue been to them due, by or after the death of their tenant, as if no such estate or conveyance had been had or made. Sauing & reseruing alwayes by the authority aforesaid, the right & title of the donees, feoffees, lessees, and deuisees thereof against the said deuisor & his heires, after the interest and title of the King, or other Lord therein ended and determined.

Prouided alway, and bee it enacted by the authority aforesaid, That all and euery person and persons, from whom the King or other Lord or Lords, shall take any Manors, lands, tenements, or hereditaments for his or their full third part, or to make vp his or their third part, shall & may by authority of this present Act in any of the cases aforesaid, vpon his or their Bill exhibited in the Kings Court of Chauncerie, against all and euery such person & persons which shalbe intituled by or vnder any such Will, guift, disposition, or deuise to the other two parts, haue such contribution or recompense for the same, as by the Chauncellour of Ireland, or by the Keeper of the Great Seale of Ireland for the time being shall be thought good and conuenient.

CAP III.

¶ An Act againſt Covenous and Fraudulent Conveyances.

FOraſmuch as not onely the Kings moſt excellent Maieſtie, but alſo diuers of his Highnes good and louing Subiects, and bodies politique & corporate, after Conueyances obtained, or to bee obtained, and purchaſes made, or to be made, of lands, tenements, leaſes, eſtates & hereditamẽts, for money, or other good conſiderations, may haue, incurre and receiue great loſſe & preiudice, by reaſon of Fraudulent and Covenous Conveyances, eſtates, gifts, grants, charges & limitations of vſes heretofore made, or hereafter to be made, of, in, or out of lands, tenements, or hereditaments, ſo purchaſed or to be purchaſed: which ſaid gifts, grants, charges, eſtates, vſes & conueyances were, or hereafter ſhalbe meant or intended by the parties that ſo make the ſame, to bee fraudulent and covenous, of purpoſe and intent to deceiue ſuch as haue purchaſed or ſhall purchaſe the ſame, or elſe by the ſecret intent of the parties, the ſame be to their owne proper vſe, and at their free diſpoſition, coloured neuertheleſſe by a fayned countenance, and ſhew of words and ſentences, as though the ſame were made bona fide for good cauſes, and vpon iuſt and lawfull conſiderations. For remedy of which inconueniences, and for the avoyding of ſuch fraudulent, fayned, and covenous conveyances, gifts, grants, charges, vſes & eſtates, and for the maintenance of vpright and iuſt dealing in the purchaſing of lands, tenements, & hereditaments: Bee it ordained and enacted by the authority of this preſent Parliament, that all and euery conveyance, grant, charge, leaſe, eſtate, incumbrance & limitation of vſe or vſes, of, in, or out of any lands, tenements, or other hereditaments whatſoeuer, had or made any time heretofore ſithence the beginning of the raigne of King Iames his Maieſtie of famous memory, or at any time hereafter to bee had or made, for the intent and purpoſe to defraud and deceiue ſuch perſon or perſons, bodies politique or corporate, as haue purchaſed, or ſhall afterwards purchaſe in fee ſimple, fee tayle, for life, liues or yeares, the ſame lands, tenements & hereditaments, or any part or parcell thereof, ſo formerly conveyed, graunted, leaſed, charged, incumbred, or limited in vſe, or to defraud and deceiue ſuch as haue, or ſhall purchaſe any rent, profit or commoditie, in, or out of the ſame, or any part thereof, ſhalbe deemed and taken onely as againſt that perſon or perſons, bodies politique and corporate, his and their heires, ſucceſſors, executors, adminiſtrators and aſſignes, and againſt all and euery other perſon and perſõs, lawfully hauing or claiming, by, from or vnder them, or any

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of them, or to their, or any of their vse or vses, which haue purchased, or shall hereafter so purchase for money or other good consideration, the same lands, tenements or hereditaments, or any part or parcell thereof, or any rent, profit or commodity, in, or out of the same, to be vtterly voyde, frustrate, and of none effect: Any pretence, colour, fayned consideration, or expressing of any vse or vses, to the contrary notwithstanding.

And be it further enacted by the authority aforesaid, That all & euery the parties to such fayned, couenous & fraudulent guifts, grants, leases, charges or conueyances before expressed, or being priuy & knowing of the same, or any of thē, which after the first day of May next comming, shall wittingly & willingly put in vre, auowe, maintaine, iustifie or defend the same, or any of them, as true, simple and done, had or made bona fide, or vpon good consideration, to the disturbance or hinderance of the said purchaser or purchasers, lessees or grauntees, or of, or to the disturbance or hinderance of their heires, successors, executors, administrators, or assignes, or such as haue, or shall lawfully claime any thing by, from or vnder them, or any of them, or to their or any of their vse or vses, shall incurre the penalty or forfeiture of one yeares value of the said lands, tenements and hereditaments, so purchased or charged, the one moytie wherof to be to the Kings Maiestie, his heires and successors, and the other moytie to the person or persons grieued by such fayned and fraudulent gift, grant, lease, conueyance, incumbrance or limitation of vse, to be recouered in any of the Kings Courts of Record, by action of debt, bill, plaint or information, wherein no essoyne, protection, or wager of Law shalbe admitted for the defendant or defendants. And also being thereof lawfully conuicted, shall suffer imprisonment for one halfe yeare, without baile or mainprise.

Prouided also, and be it enacted by the authority aforesaid, that this Act or any thing therein contained, shall not extend or be construed to impeach, defeat, make voide, or frustrate any conueyance, assignment of lease, assurance, grant, charge, lease, estate, interest or limitation of vse or vses, of, in, to, or out of any lands, tenemēts or hereditaments heretofore at any time had or made, or hereafter to be had or made, vpon or for good consideration, and bona fide, to any person or persons, bodies politique or corporate: Any thing before mentioned to the contrary hereof notwithstanding.

And be it further enacted by the authority aforesaid, That if any person or persons haue heeretofore, sithence the beginning of the raigne of our late most gracious Soueraigne Lord king Iames of euer blessed memory, made, or hereafter shall make any conueyance, gift, grant, demise, charge, limitation of vse or vses, or assurance of, in, or out of any lands, tenements or hereditaments, with any clause, prouision, article, or condition of reuocation, determination or alteration, at his or their will or pleasure, of such

conveyance, assurance, grants, limitations of vses or estates, of, in, or out of the said lands, tenements, or hereditaments, or of, in, or out of any part or parcell of them contained or mentioned in any writing, deed, or Indenture of such assurance, cõveyance, grant or gift: and after such conveyance, grant, gift, demyse, charge limitation of vses or assurance so had or made, shall or doe bargaine, sell, demise, graunt, convey, or charge the same lands, tenements, or hereditaments, or any part or parcell thereof, to any person or persons body politique or corporate, for money, or other good consideration, payd or giuen, the said first conveyance, assurance, gift, grant, demise, charge or limitation, not by him or them revoked, made voyde, or altered, according to the power and authority reserued or expressed vnto him or them, in and by the said secret conveyance, assurance, gift or grant: That then the said former conveyance, assurance, gift, demise, and grant, as touching the said lands, tenements, or hereditaments, so after bargained, sold, conveyed, demised, or charged against the said bargainees, vendees, lessees, grauntees, and euery of them, their heires, successors, executors, administrators & assignes, and against all & euery person and persons, which haue, shall, or may lawfully claime any thing, by, from, or vnder them, or any of them, or to their or any of their vse or vses shalbe deemed, taken & adiudged to be voyd, frustrate & of none effect, by vertue and force of this present Act. Prouided neuertheless, that no lawfull morgage made or to be made bona fide, and without fraud or couin, vpon good consideration, shall be impeached or impaired by force of this Act, but shall stand in like force & effect as the same should haue done, if this Act had neuer beene had or made: Any thing in this Act contained to the contrary in any wise notwithstanding.

And be it further enacted by the authority aforesaid, that all the whole tenor & contents of all statutes Marchants, and statutes of the Staple, hereafter to be acknowledged, shall within six moneths next after such knowledging, be entred in the office of the Clerke of the Recognisances in his Maiesties high Court of Chancery in this Realme of Ireland, by the shewing forth of the said statute Marchant, or statute Staple so knowledged vnto the said Clerk, which said Clerke of Recognizance, shall enter or cause to be entred, the same statutes into a book for that purpose to be prouided, and safely kept by him, taking eight pence sterling and no more, for euery such entry. And bee it further enacted, that if the party to whõ any such statute Marchant, or of the Staple shalbe knowledged, his executors or administrators, do or shall not within four moneths next after the knowledging of any such statute, bring & deliuer, or cause to be brought & deliuered vnto the said Clerk, or to his Deputy or Deputies for the time being, all & euery such statute and statutes as shalbe so knowledged to him or to his vse, whereby & to the intent that the said Clerk, his Deputy or Deputies, may

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take and enter a true Coppy thereof, that then euery such statute Marchant, and of the Staple not so entred, shalbe voyde, frustrate & of none effect, against all and euery such person and persons, and bodies politicke and corporate, their heires, successors, executors, administrators & assignes onely, as shall after the knowledging of the said statutes, or any of them, purchase for money or other good consideration, the lands, tenements, or hereditaments, which were lyable to the same statute Marchant, or the Staple, or any part or parcell thereof, or any rent, lease or profit, of, or out of the same. And if the said Clearke, or his Deputie or Deputies for the time being, shall not vpon such shewing & deliuery vnto him or them, of any statute Marchant, or of the Staple, enter or cause to be entred, the same in his said booke, within the said time of sixe moneths, and also indorse vpon euery such statute so by him entred, the day and yeare of the said entrie, with his, or their owne name: that then euery such Clearke, fayling or defectiue in that behalfe, shall forfeit and loose for euery statute Marchant, and of the Staple, so brought vnto him or them, and not entred and indorsed, as is aforesaid, the summe of twenty pounds, the one moytie whereof to be to the Kings Maiesty, his heires and successors, and the other moytie to him or them that will sue for the same in any of the Kings Courts of Record, by action of debt, bill, plaint, or information, wherein no essoyne, protection, or wager of law shalbe allowed.

And be it further enacted by the authority aforesaid, That no Clearke of the said Recognizance, shall or may take, for or in respect of any search to be made, for or concerning any statute Marchant, or of the staple, so to be entred, as aforesaid, aboue two pence for one yeares search, and so after the rate of two pence for euery yeare, and not aboue, vpon paine to forfeit & loose to the party or parties grieued thereby, twenty times asmuch as he shall take, contrary to the true meaning of this Act, to be recouered in any of the Kings Maiesties Courts of Record, by action of debt, bill, plaint, or information, wherein no protection or wager of law shal be allowed. Prouided alwayes, that this Act, nor any thing therein contained, shall extend or be construed to make good any purchase, grant, lease, charge, or profit, of, in, or out of any lands, tenements, or hereditaments, heeretofore made voyde, defeated, or vndone, by reason of any former cõueyance, grant or assurance, so as the party or parties, or their heires or assignes, which haue so defeated or made voyde the same, were in actuall possession the first day of this present Parliament, of, or in the said lands, tenements, or hereditaments, whereof, or out of the which, any such purchase, grant, lease, charge or profit was made.

And furthermore for the avoyding and abolishing of fayned, cobenous and fraudulent Feoffments, gifts, grants, alienations, conveyances, bonds, suites, iudgements and executions, aswell of

lands & tenements, as of goods & chattells, more commonly vsed and practised in these dayes, then hath been seene or heard of heretofore. Which Feoffments, gifts, grants, alienations, bonds, suits, iudgments & executions haue beene & are deuised & contriued of malice, fraud, couin, colluſion or guile, to the end, purpoſe & intent to delay, hinder or defraud Creditors and others of their iuſt and lawfull actions, ſuits, debts, accompts, damages, penalties, forfeitures, herriots, mortuaries, and reliefes, not onely to the lett or hinderance of the due courſe or execution of law & iuſtice, but alſo to the ouerthrow of all true and plaine dealing, bargaining & cheuiſance betweene man and man, without the which no Common-wealth or ciuill ſocietie can be maintained or continued.

Be it therefore further declared, ordained & enacted by the authority of this preſent Parliament, that all and euery Feoffment, guift, grant, alienation, bargaine & cõueyance of lands, tenements, hereditaments, goods & chattells, or of any of them, or of any leaſe, rent, common, or other profit or charge out of the ſame lands, tenements, hereditaments, goods and chattells, or any of them by writting, or otherwiſe: and all and euery bond, ſuit, iudgment and execution at any time had or made, ſithence the beginning of the raigne of his ſaid late Maieſtie King Iames of bleſſed memory, or at any time hereafter to be had or made, to or for any intent or purpoſe before declared and expreſſed, ſhalbe from henceforth deemed & taken onely as againſt that perſõ or perſons, his or their heires, ſucceſſors, executors, adminiſtrators & aſſignes, and euery of them whoſe actions, ſuits, debts, accompts, damages, penalties, forfeitures, heriots, mortuaries and reliefes, by ſuch guileſull, couenous & fraudulent deuiſes & practiſes, as is aforeſaid, are, ſhall, or mought be in any wiſe diſturbed, hindered, delayed or defrauded, to be clearely and vtterly voyde, & of none effect: Any pretence, colour, fayned conſideratiõ, expreſſing of vſe, or any other matter or thing to the contrary notwithſtanding.

And be it further enacted by the authority aforeſaid, That all & euery the parties to ſuch fayned, couenous or fraudulent feoffment, guift, grant, alienation, bargaine, conueyance, bonds, ſuits, iudgments, executions, and other things before expreſſed, or being priuy and knowing of the ſame, or any of them, which at any time after the firſt day of May next comming, ſhall wittingly and willingly put in vre, avow, maintaine, defend or iuſtifie the ſame, or any of them as true, ſimple and done, had or made bona fide, and vpon good conſideration, or ſhall alien or aſſigne any the lands, tenements, goods, leaſes, or other things before mentioned to him or them conueyed, as is aforeſaid, or any part thereof, ſhall incurre the penaltie and forfeiture of one yeares value of the ſaid lands, tenements, hereditaments, leaſes, rents, commons, or other profits, of or out of the ſame. And the whole value of the ſaid goods and chattells, and alſo ſo much money, as is or ſhalbe contained

tained in any such covenous & fained bonds, the one moytie wherof to be to the Kings Maiestie, his heires & successors, and the other moytie to the party or parties gricued, by such fayned & fraudulent feoffment, guift, grant, alienation, bargaine, conveyance, bonds, suits, iudgments, executions, leases, rents, commons, profits, charges, and other things aforesaid, to be recouered in any of the Kings Courts of Record, by action of debt, bill, plaint or information, wherein no essoyne, protection or wager of law shalbe admitted for the Defendant or Defendants, and also being thereof lawfully convicted, shall suffer imprisonment for one halfe yeare, without baile or mainprise.

Prouided alwayes, and be it further enacted by the authority aforesaid, that whereas sundry common recoveryes of lands, tenements & hereditaments, haue heretofore been had, and hereafter may be had against tenant in tayle, or other tenant of freehold, the reversion or remainder, or the right of reversion or remainder then being in any other person or persons, that euery such common recouery heretofore had, and hereafter to be had, of any lands, tenements or hereditaments, shall as touching such person & persons, which then had any remainder or reversion, or right of remainder or reversiō, and against the heires of euery of them, stand, remaine, & be, of such like force & effect, and of none other as the same should haue beene, if this Act had neuer beene had or made.

Prouided alwayes, & bee it further enacted by the authority afore-said, that this Act or any thing therein contained, shall not extend to make voyd any estate or conveyance, by reason whereof any person or persons shall vse any vowcher in any writ of Formedon, now depending, or hereafter to be depending, but that all and euery such vouchers in any writ of Formedon, shall stand and be in like force & effect, as if this Act had neuer beene had nor made: Any thing before in this Act contained to the contrary notwithstanding.

Prouided also, and bee it enacted by the authority aforesaid, That this Act, or any thing therein contained, shall not extend to any state or interest, in lands, tenements, hereditaments, leases, rents, commons, profits, goods or chattells, had, made, conveyed or assured, or hereafter to be had, made, conveyed or assured: which estate or interest, is or shalbe vpon good consideration, and bona fide lawfully conveyed or assured to any person or persons, or bodies politique or corporate, not hauing at the time of such conveyance or assurance to them made, any manner of notice or knowledge of such covin, fraud, or collusion, as is aforesaid: Any thing before mentioned to the contrary hereof notwithstanding.

Prouided alwayes, that this Act or any thing therein contayned, shall not extend in any sort to restraine or impaire the iurisdiction, power or authority of the High Court of Castle Chamber.

CAP. IIII.

CAP. IIII.

¶ An Act concerning Grantees of Reuerſions, to take aduantage of Breaches of Conditions &c.

WHere before this time, diuers aſwell Temporall as Eccleſiaſticall & religious perſõs haue made ſundry Leaſes, Demiſes & Grants to diuers other perſons, of ſundry Manors, Lordſhips, Farmes, Meaſes, Lands, Tenements, Meadowes, Paſtures, or other Hereditaments, for tearme of life or liues, or for tearme of yeares by writing vnder their Seale or Seales, containing certaine conditions, couenants and agreements to be performed as well on the part and behalfe of the ſaid Leſſees and Grantees, their executors and aſſignes, as on the behalfe of the ſaid Leſſors & Grantors, their heires and ſucceſſors. And foraſmuch as by the Common Law of this Realme, no ſtranger to any couenant, action or condition, ſhall take any aduantage or benefit of the ſame by any meanes or wayes in the Law, but onely ſuch as be parties or priuy thereunto, by the reaſon whereof aſwell all Grantees of Reuerſions, as alſo all Grantees and Patentees of the King our Soueraigne Lord, and of his Predeceſſors, of ſundry Manors, Lordſhips, Granges, Farmes, Meaſes, Lands, Tenements, Meadowes, Paſtures, or other Hereditaments late belonging to Monaſteries, and other religious & Eccleſiaſticall Houſes, diſſolued, ſuppreſſed, renounced, relinquiſhed, forfeited, giuen vp, or by other meanes come to the hands & poſſeſſion of the Kings Maieſtie, or of ſome of his Predeceſſors, ſince the laſt day of Aprill, in the eight and twentieth yeare of the Raigne of King Henry the Eight of famous memory, be excluded to haue any entry or action againſt the ſaid Leaſees & Grantees, their executors or aſſignes, which the Leaſors before that time, might by the Law haue had againſt the ſame Leaſees, for the breach of any condition, couenant or agreement compriſed in the Indentures of their ſaid Leaſes, Demiſes and Grants.

Be it therefore enacted by the King our Soueraigne Lord, the Lords Spirituall & Temporall, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, that aſwell all & euery perſõ & perſõs, and bodies politicke, their heires, ſucceſſors & aſſignes, which haue and ſhall haue any guift or grant of our ſaid Soueraigne Lord, or of any his Predeceſſors, by Letters Patents, of any Lordſhips, Manors, Lands, Tenements, Rents, Parſonages, Tithes, Portions, or any other Hereditaments, or of any reuerſion or reuerſions of the ſame, which did belong or appertaine to any of the ſaid Monaſteries, and other religious & Eccleſiaſticall Houſes diſſolued, ſuppreſſed, relinquiſhed, for-

forfeited, or by any other meanes come to the Kings hands since the said last day of Aprill, in the eight and twentieth yeare of the reigne of King Henry the eight, or which at any time heretofore did belong or appertaine to any other person or persons, and after came to the hands of our said Soueraigne Lord, or any of his Predecessors, as also all other persõs being grantees or assignees to, or by the Kings Maiesty, or to, or by any other person or persons, then the Kings Highnes & their heires, executors, successors & assignes, and euery of them, shall & may haue & enioy like aduantage against the Leassees, their executors, administrators and assignes by entrie for non-payment of the Rent, or for doing of waste or other forfeitures, and also shall & may haue & enioy all and euery such like and the same aduantage, benefit & remedyes, by actions onely, for not performing other conditions, couenants or agreements contayned & expressed in the Indentures of their said Leasses, Demises or Grants against all & euery the said Leassees, and Farmors, & Grantees, their executors, administrators & assignes, as the said Leassors or Grantors themselues, or their heires or successors, ought, should, or might haue had & enioyed at any time or times, in like manner & forme, as if the reuersion of such lands, tenements, or hereditaments had remained and continued in the said Grantors or Leassors, their heires or successors.

Moreouer bee it enacted by the authority aforesaid, That all Farmors, Leassees & Grantees of Lordships, Manors, Lands, Tenements, Rents, Parsonages, Tithes, Portions, or any other Hereditaments, for tearme of yeares, life or liues, their executors, administrators & assignes, shall & may haue like action, aduantage & remedy against all & euery person and persons, and bodies politique, their heires, successors & assignees, which haue or shall haue any guift or grant of the Kings Maiesty, or of any other person or persons, of the reuersiõ of the same Manors, lands, tenements & other hereditaments so letten, or any parcell therof, for any condition, couenant or agreement cõtained or expressed in the Indentures of their Lease & Leases, as the same Leassees, or any of them, might and should haue had against the said Leassors & Grantors, their heires or successors (all benefit and aduantages of Recoueries in value, by reason of any warrantie in deed or law, by voucher, or otherwise onely excepted.) Prouided alwayes, that this Act, nor any thing or things therein contained, shall extend to hinder or charge any person or persons for the breach of any couenant or condition comprised in any such writing, as is aforesaid, but for such Couenants and Conditions as shall be broken, or not performed after the first day of May next comming, and not before: Any thing before in this Act contained to the contrary therof notwithstanding.

CAP. V.

An Act for the Recovery of Arrerages of Rents by Executors of Tenant in Fee ſimple.

FOraſmuch as by the order of the Common Law, the Executors or Adminiſtrators of Tenants in fee ſimple, Tenants in fee tayle, and Tenants for tearme of lives, of Rents ſeruices, Rents charges, Rents Seckes & fee Farmes, haue no remedy to recouer ſuch Arrerages of the ſaid Rents or fee Farmes, as were due vnto their Teſtators in their lives, nor yet the heires of ſuch Teſtators, nor any perſon hauing the reuerſion of his eſtate after his deceaſe, may diſtraine or haue any lawfull action to levy any ſuch Arrerages of Rents, or of the fee Farmes due vnto him in his life, as is aforeſaid, by reaſon whereof the Tenants of the demeaſne of ſuch lands, tenements, or hereditaments, out of the which ſuch Rents were due and payable, who of right ought to pay the Rents and Farmes at ſuch dayes and tearmes as they were due, doe many times keepe, hold and retaine ſuch Arrerages in their owne hands, ſo that the Executors and Adminiſtrators of the perſons to whom ſuch Rents or fee Farmes were due, cannot haue or come by the ſaid Arrerages of the ſame, towards the payment of the debts, and performance of the Will of the ſaid Teſtator. For remedy wherof, Be it enacted by the authority of this preſent Parliament, that the Executors & Adminiſtrators of euery ſuch perſon or perſons vnto whō any ſuch Rent or fee Farme is or ſhalbe due, and not payed at the time of his death, ſhall & may haue an action of debt for all ſuch Arrerages againſt the Tenant or Tenants that ought to haue payed the ſaid Rent or fee Farme, ſo being behinde in the life of their Teſtator, or againſt the Executors and Adminiſtrators of the ſaid Tenants. And alſo further more it ſhalbe lawfull to euery ſuch Executor & Adminiſtrator of any ſuch perſon or perſons, vnto whō ſuch Rent or Fee Farme ſhalbe due, and not payed at the time of his death, as aforeſaid, to diſtraine for the Arrerages of all ſuch Rents and Fee Farme vpon the lands, tenements, and other hereditaments, which were charged with the payment of ſuch Rents or Fee Farmes, and chargeable to the diſtreſſe of the ſaid Teſtator, ſo long as the ſaid lands, tenements, or hereditaments continue, remaine, and be in the ſeiſon or poſſeſſion of the ſaid Tenant in demeaſne, who ought immediatly to haue payed the ſaid Rent or Fee Farme ſo being behinde to the ſaid Teſtator in his life, or in the ſeiſon or poſſeſſion of any other perſon or perſons, claiming the ſaid lands, tenements & hereditaments, onely by & from the ſame Tenant, by purchaſe, guift, or deſcent, in like manner & forme as

their

their said Testator might or ought to haue done in his life-time: And the said Executors and Administrators shall for the same distresse, lawfully make avowry vpon their matter aforesaid.

And further bee it enacted by the authority aforesaid, That if any man which now hath, or hereafter shall haue in the right of his wife, any estate in fee simple, fee tayle, or for tearme of life, of or in any Rents or Fee Farmes, and the same Rents or Fee Farmes now be, or hereafter shalbe due behinde, and vnpayde in the said wifes life, then the said husband after the death of his said wife, his Executors & Administrators shall haue an action of debt for the said Arrerages against his tenant of the demeasne that ought to haue payed the same, his Executors or Administrators. And also the said husband, after the death of his said wife, may distraine for the said Arrerages, in like manner and forme as hee might haue done, if his said wife had been then liuing, and make avowry vpon his matter, as is aforesaid.

And likewise it is further enacted by the authority aforesaid, That if any person or persons which now hath, or hereafter shall haue any Rents or Fee Farmes for tearme of life or liues of any other person or persons, and the said Rent or Fee Farme now be, or hereafter shalbe due, and behinde, and vnpayed in the life of such person or persons, for whose life or liues, the estate of the said rent or fee farme did depend or continue, and after the said person or persons doe dye, then he vnto whom the said Rent or Farme was due in forme aforesaid, his Executors and Administrators shall & may haue an action of debt against the tenant in demeasne, that ought to haue payed the same when it first was due, his Executors and Administrators, and also distraine for the same Arrerages vpon such lands & tenemẽts, out of the which the said Rents or Fee-farmes were issuing and payable in such like manner and forme as he ought or might haue done, if such person or persons by whose death the aforesaid estate in the said Rents and Fee-farmes was determined and expired, had beene in full life, and not dead. And the avowry for the taking of the said distresse, to bee made in manner and forme aforesaid.

CAP. VI.

An Act for limitation of Actions, and for avoyding Suites in Law.

FOrasmuch as the time of limitation appointed for sueing of writs of right, and other writs of possession & seizin of mens Auncestors or Predecessors, or of their owne possessiõ or seizin, by the Lawes and Statutes of this Realme, heretofore made, limi-

ted & appointed, extend and be of ſo farre and long time paſt, that it is aboue the remembrance of any liuing man, truely to try and know the perfect certaintie of any ſuch things as haue, or ſhall come in tryall, or doe extend vnto the time & times limited by the ſaid Lawes & Statutes, to the great danger of mens conſciences, that haue or ſhalbe impanelled in any Jury for the tryall of the ſame. And alſo it is a great occaſion of much trouble, vexation & ſuites to the Kings louing Subiects at the Common Law of this Realme. So that no man, although he & his Anceſtors, and thoſe whoſe eſtates he or they haue, haue been in peaceable poſſeſſion for many yeares, of and in lands, tenements & other hereditaments, is or can be in any ſuretie, quietnes or reſt, of and in the ſame, without good remedy and reformation be had, made & prouided for the ſame.

Bee it therfore enacted by the King our Soueraigne Lord, the Lords Spirituall and Temporall, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That no manner of perſon or perſons, ſhall from henceforth ſue, haue, or maintaine any Writ of right, or make any preſcription, title or clayme, to or for any Manors, lands, tenements, rents, annuities, commons, penſions, portions, Corodies, or other hereditaments, of the poſſeſſiō of his or their Anceſtor or Predeceſſor, and declare & alledge any further ſeizin or poſſeſſion of his or their Anceſtor or Predeceſſor, but onely of the ſeizin or poſſeſſion of his Anceſtor or predeceſſor, which hath been, or now is or ſhalbe ſeized of the ſaid Manors, lands, tenements, rents, annuities, commons, penſions, portions, corodies, or other hereditaments, within three-ſcore yeares next before the Teſte of the ſame writ, or next before the ſaid preſcription, title or clayme, ſo hereafter to be ſued, commenced, brought, made or had.

And bee it further enacted by the authority aforeſaid, That no manner of perſon or perſons ſhall hereafter ſue, haue, or maintaine any Aſſize of Mordanceſter, Writ of corenage, Aile, or of entry vpon diſſeizin, done to any of his Anceſtors or Predeceſſors, or any other action poſſeſſorie vpon the poſſeſſion of any his Anceſtors or Predeceſſors, for any Manors, lands, tenements, or any other hereditaments, of any further ſeizin or poſſeſſion of his or their Anceſtors or Predeceſſors, but onely of the ſeizin or poſſeſſiō of his or their Anceſtors or predeceſſors, which was, or is, or hereafter ſhalbe ſeized of the ſame Manors, lands, tenements, or other hereditaments, within fiftie yeares next before the Teſte of the originall of the ſame Writ hereafter to be brought.

And bee it further enacted by the authority aforeſaid, That no perſon or perſons ſhall hereafter ſue, haue or maintaine any action for any Manors, lands, tenements, or other hereditaments, of or vpon his or their owne ſeizin or poſſeſſion therein aboue twenty yeares next before the Teſte of the originall of the ſame writ hereafter to be brought.

And

And bee it further enacted by the authority aforesaid, That no person or persons shall hereafter make any avowry or cognizance for any rent, suite or seruice, and alledge any seizin of any rent, suit or seruice in the same avowry or cognizance, in the possession of his or their Ancestor or Ancestors, Predecessor or Predecessors, or in his or their owne possession, or in the possession of any other, whose estate he or they shall pretend or claime to haue aboue forty yeares, next before the making of the said avowrie or cognizance.

And ouer that, bee it enacted by the authority aforesaid, that all Writs of formedon in the descender, formedon in the remainder, formedon in the reverter, and scire facias vpon fines or recoueries of any Manors, lands, tenements, or other hereditaments whatsoeuer, at any time hereafter to bee sued or brought, shalbe sued & taken within twenty yeares next after the Title and cause of action first descended, accrued or fallen, and at no time after the said twenty yeares.

And bee it further enacted by the authority aforesaid, That if any person or persons at any time hereafter doe sue any of the said Writs or actions for any Manors, lands, tenements, or other hereditaments whatsoeuer, or make any avowrie, cognizance, prescription, title or clayme, of or for any rent, suit, seruice, or other hereditaments, and cannot proue that he or they, or his or their Ancestors or predecessors were in actuall possession and seizin, of and in the said Manors, lands, tenements, rents, suites, seruices, annuities, commons, pensions, portions, corodies, or other hereditaments at any time or times within the yeares respectiuely and seuerally before limited and appointed in this present Act, and in manner and forme, as is aforesaid, if the same be trauersed or denyed by the party plaintiffe, demandant or avowant, or by the party Tenant or Defendant, That then and after such tryall therein had, all and euery such person or persons, and their heires, shall from thencefoorth be vtterly barred for euer of all and euery the said writs, actions, avowries, cognizance, prescription, title and claime hereafter to bee sued, had or made, of and for the same Manors, lands, tenements, hereditaments, or other the premisses, or any part of the same, for the which the same actions, avowrie, cognizance, prescription, title or clayme hereafter shalbe at any time had, sued or made.

Prouided alwayes, and bee it enacted by the authority aforesaid, That all and euery person and persons which now haue any of the said Actiõs, writs, avowries, scire facias, cognizance, prescription, title or clayme depending, or that hereafter shall sue, commence, make or bring any of the said writs or actions, or scire facias, or make any of the said avowries, cognizances, prescriptions, titles or clayme at any time before the feast of the Ascension of our Lord God, which shalbe in the yeare of our Lord God, one thousand

ſix hundred and forty, ſhall alledge the ſeizin of his or their Anceſtors, or predeceſſors, or his owne poſſeſſion and ſeizin, and alſo haue all other like advantage, to all intents and purpoſes in the writs, actions, ſcire facias, abowries, cognizances, preſcriptions, titles and clayme, as he or they might haue had at any time before the making of this Statute: this Act or any thing therein contained to the contrary notwithſtanding.

Prouided alſo, and bee it further enacted by the authority aforeſaid, That if any perſon or perſons, being now within the age of one and twenty yeares, or Couert Baron non compos mentis, or in priſon, or out of this Realme of Ireland, now hauing cauſe to haue, ſue, commence, make, or bring any of the ſaid Writs, or actions, or to make any abowries, cognizance, preſcriptions, titles or claymes, that it ſhalbe lawfull to ſuch perſon and perſons, being within age, Couert Baron, non compos mentis, in priſon, or out of this Realme, to ſue, commence, or bring any of the ſaid Writs or actions, or make any of the ſaid abowries, cognizances, preſcriptions, titles or claymes, at any time within ſix yeares after ſuch perſon or perſons, now being within age, ſhall accompliſh the age of one and twenty yeares, or within ſix yeares next after ſuch perſon or perſons, now being Couert Baron, ſhalbe ſole, or within ſix yeares next after ſuch perſon or perſons, now being non compos mentis, ſhall become of ſane memorie, or within ſix yeares next after ſuch perſon or perſons, now being in priſon, ſhalbe at his libertie, or within ſix yeares next after ſuch perſon or perſons, now being out of this Realme, ſhall come & be within this Realme: And that euery ſuch perſon and perſons in their ſaid actions, writs, abowries, cognizances, preſcriptions, title or claymes to be made, ſued, or commenced within the ſaid ſix yeares, ſhall alledge within the ſaid ſix yeares, the ſeizin of his or their Anceſtors or predeceſſors, or of his own poſſeſſion, or the poſſeſſion of thoſe whoſe eſtate he ſhall then clayme: And alſo within the ſame ſix yeares ſhall haue all and euery like advantages to all intents and purpoſes in the ſame, as hee or they might haue had before the making of this Act, and as though this Act had neuer beene had nor made: this Act or any thing therein contained to the contrary notwithſtanding.

Prouided alſo, that if it happen that any perſon or perſons now being within age, or Couert Baron, non compos mentis, Ideot, in priſon, or out of this Realme, hauing cauſe to ſue, commence, make or bring any the ſaid Writs, actions, abowries, cognizances, preſcriptions, title or clayme to deceaſe within age, or being Couert, non compos mentis, or Ideot, or during the time he or they ſhalbe in priſon, or out of this Realme, or to deceaſe within ſix yeares next after ſuch perſon or perſons ſhall accompliſh his or their full age, or ſhalbe at large within this Realme, or ſhall become ſole, or of ſound memorie, and no determination or iudgment had of ſuch titles,

titles, actions, or rights so to them accrued: That then the next heire or heires of such person or persons, being in prison, or out of this Realme, or within age, or being Couert Baron, non compos mentis, or Idcot, so dying, shall haue and enioy all and euery such liberty and aduantage, to sue, demand, avow, declare or make the said titles, claymes and prescriptions within six yeares next after the death of any such person or persons now imprisoned, or being out of this Realme, or within age, or Couert de Baron, non compos mentis, or Idcot, in such or like manner & forme, to all intents & purposes as the same Infant after his full age, or he said woman Couert, after the death of her husband, or the same person being out of this Realme, after his repaire or comming into the same, or the said person imprisoned after his enlargement, and comming out of prison, or the said non compos mentis after his comming to sound memorie, should or might haue had within six yeares then next ensuing, by force & vertue of the prouision last before rehearsed: Any thing in this Act contayned to the contrary thereof in any wise notwithstanding.

Prouided also, that if any person or persons, before the said feast of the Ascension of our Lord God, which shalbe in the yeare of our Lord God, one thousand, six hundred and forty, commence & sue any of the said actions or writs, or make any avowry, prescriptiō, title or clayme, and the same action, writ, avowry, cognizance, prescription, title or claime, happen by the death of any the parties to the same, to be abated before iudgement or determination thereof had, that then the said person or persons being demandants or avowants, or making any such cognizance, prescription, title or claime, being then alive, and if not, then the next heire or heires of such person or persons so deceased, may commence & pursue his or their action & suite, or make his or their avowry, cognizance, prescription, title or claime, for or vpon the same matter, within one yeare next after such action or suite abated, and shall haue & enioy all & euery such liberty & advantage, to sue, demaund, avow, declare, or make the said titles, claymes & prescriptions, within the said one yeare, as the demandant or demandants, in such writs or suites abated, or as such as did avow or make cognizance, title or claime, or prescription, should or might haue done, had vsed, made or enioyed in the said former action or suite: Any thing in this Act to the contrary notwithstanding.

Prouided furthermore, that if any false verdict happen hereafter to be giuen or made in any of the said actions, suites, avowries, prescriptions, titles or claymes, that then the party grieued by reason of the same, shall and may haue his attaint vpon euery such verdict so giuen or made, and the plaintiff in the same attaint vpon iudgment for him giuen, shall haue his recouery, execution & other advantage, in like manner & forme as heretofore hath beene vsed & accustomed: Any thing before in this Act contayned to the

contrary

contrary thereof notwithstanding.

And for the further quieting of mens estates, and avoyding of suites: Bee it further enacted by the Kings most excellent Maiesty, the Lords Spirituall & Temporall, and the Commons in this present Parliament assembled, and by the authority of the same, That no person or persons that now hath any right or title of Entrie into any Manors, lands, tenements, or hereditaments, now held from him or them, shall thereunto enter, but within twenty yeares next after the end of this present Parliament, or within twenty yeares next after any other title of entrie accrued. And that no person or persons shall at any time hereafter make any Entry into any lands, tenements or hereditaments, but within twenty yeares next after his or their right or title, which shall hereafter first descend or accrue to the same: and in default thereof, such persons so not entring, and their heires, shalbe vtterly excluded & disabled from such Entry after to be made: Any former Law or Statute to the contrary notwithstanding.

Prouided neuertheless, that if any person or persons, that hath or shall haue such right or title of Entry, be, or shalbe at the time of the said right or title first descended, accrued, come or fallen within the age of one and twenty yeares, femme Couert, non compos mentis, imprisoned, or beyond the Seas: That then such person & persons, and his & their heire & heires, shall or may notwithstanding the said twenty yeares be expired, make his entry as he might haue done before this Act: So as such person and persons, or his or their heire & heires, shall within ten yeares next after his or their full age, discouerture, comming of sound minde, inlargement out of prison, or comming into this Realme, or death, take benefite of the same, and at no time after the said ten yeares.

And bee it further enacted, that all actions of trespasse, Quare clausum fregit, all actions of trespasse, detinue, action sur Trouer & Conuersion, and Replevin for taking away of goods & cattell, all actions of Accompt, and vpon the Case, (other then such accompts as concerne the trade of Merchandize between Merchant & Merchant, their Factors or Seruants,) all actions of debt grounded vpon any lending or contract, without specialtie, all actions of debt for arrerages of rents, and all actions of assault, menace, battery, wounding & imprisonment, or any of them which shalbe sued or brought at any time after the end of this present Parliament, shalbe commenced & sued within the time & limitation hereafter expressed, & not after: (That is to say,) The said actions vpon the Case (other then for slander) and the said actions for accompt, and the said actions for trespasse, debt, detinue, and replevin for goods & cattell, and the said actions for trespasse, Quare clausū fregit, within three yeares next after the end of this present Parliament, or within six yeares next after the cause of such actions of suite, and not after. And the said actions of trespasse, of assault, battery, wounding,

wounding, imprisonment, or any of them, within one yeare next after the end of this present Parliament, or within foure yeares next after the cause of such actions or suites, and not after. And the said actions vpon the Case for words, within one yeare after the end of this present Parliament, or within two yeares after the words spoken, and not after.

And neuertheleſſe bee it enacted, that if in any of the said last mentioned actions or suites, Iudgment be giuen for the plaintiff, and the same be reversed by Error, or a verdict passe for the plaintiff, and vpon matter alledged in arrest of Iudgment, the Iudgment bee giuen against the plaintiff, that hee take nothing by his plaint, writ, or bill, or if any the said actions shalbe brought by originall, and the defendant therein be outlawed, and shall after reverse the outlawry, that in all such cases the party plaintiffe, his heires, executors or administrators, as the case shall require, may commence a new action or suite from time to time, within a yeare next after such Iudgment reversed, or such Iudgment giuen against the plaintiffe or outlawry reversed, and not after.

And bee it further enacted, that in all actions of trespasse, Quare clausum fregit, hereafter to be brought, wherein the defendant or defendants shall disclayme in his or their plea, to make any title or claime to the lands in which the trespasse is by the declaratiõ supposed to be done, and the trespasse be by negligence or involuntary, the defendant or defendants shall bee admitted to plead a disclaymer, and that the trespasse was by negligence, or involuntary, and a tender or offer of sufficient amends for such trespasse before the action brought: whereupon, or vpon some of them, the plaintiffe or plaintiffes shalbe enforced to ioyne issue, and if the said issue bee found for the defendant or defendants, or the plaintiff or plaintiffs shalbe non-suited, the plaintiffe or plaintiffes shall be clearely barred from the said Action or Actions, and all other suites concerning the same.

Prouided neuertheleſſe, and bee it further enacted, that if any person or persons that is or shalbe intituled to any such action of trespasse, detinue, Action sur Trouer, Replevin, Actions of Accompts, Actions of debts, Actions of trespasse, for assault, menace, battery, wounding, or imprisonment, Actions vpon the Case for words, be or shalbe at the time of any such cause of Action giuen or accrued, fallen or come within the age of twenty one yeares, femme Covert, non compos mentis, imprisoned, or beyond the Seas, that then such person or persons shalbe at libertie to bring the same Actions, so as they take the same within such times as are before limited after their comming to, or being of full age, discouert, of sane memorie, at large and returned from beyond the Seas, as other persons hauing no such impediment should haue done.

Prouided alwayes, and bee it further enacted & declared by the authority of this present Parliament, That this Act or any Article,

ticle, clause, sentence, or matter therein contained, shall not extend to any writ of right, of advowson, Quare impedit, or Assize of Darreine presentment, nor to any writ of right of ward, writ of Ravishment of ward for the Wardship of the body, or for the Wardship of any Castles, Honors, Manors, lands, tenements, or hereditaments, holden by knights service, nor to the seizure of the Wardship of the body of any ward or wards, or to the seizure or Wardship of any Castles, Honors, Manors, lands, tenements, or hereditaments, holden by knights service.

Provided also, and bee it further enacted and declared by the authority of this present Parliament, That this Act, or any clause, article, sentence or matter therein contayned, shall not extend vnto any Castles, Honors, Manors, Lands, Tenements, Tithes, Pensions, Portions, Obventions, Oblations, or any other annuall, casuall, or hereditary profits, or other rights or possessions whatsoeuer, of any Archbishoprieke, Bishoprieke, Deanry, Archdeaconry, Prebend, Parsonage, Vicarage, or any other Ecclesiasticall or Spirituall liuing, or as belonging or appertaining thereunto, clayned by any Ecclesiasticall or Spirituall person or persons whatsoeuer: But that they and euery of them, their & euery of their Successors, shall and may, haue, maintaine, and pursue, all & singular such Writs, Actions and suites for any of the rights or possessions of any of their Churches, and make such entries thereinto in such like manner & forme to all intents, constructions and purposes as they or any of them should or might haue had, done, made, or pursued, before the making of this Act, and as though the same Act had neuer beene made.

CAP. VII.

An Act that wrongfull disseizin &c. is no descent in Law.

WHere diuers persons of their insatiable mindes haue heretofore by strength & without title, entred into Manors, lands, tenements, and other hereditaments, and wrongfully disseized the rightfull owners and possessors thereof: and ouer, being seized by disseizin, haue thereof dyed seized, by reason of which dying seized, the disseizee, or such other persons as before such descent might haue lawfully entred into the said Manors, lands, & tenements, were and be thereby clearely excluded of their entrie into the said Manors, lands, and tenements, and put to their Action for their remedy & recouery therein, to their great cost & charges. For reformation whereof, Bee it enacted by the authority of this present Parliament, that the dying seized hereafter of any such disseisor,

disseizor of or in any Manors, lands, tenements, or other hereditaments, having no right or title therein, shall not be taken or deemed from henceforth any such descent in the Law for to tolle or take away the entry of any such person or persons, or their heires, which at the time of the same descent, had good and lawfull title of entry into the said Manors, lands, tenements, or hereditaments, except that such disseizor hath had the peaceable possession of such Manors, lands, tenements, or hereditaments, whereof he shall so dye seized by the space of five yeares next after the disseizin by him committed without entry or continuall clayme, by or of such person or persons as haue lawfull title thereunto.

CAP. VIII.

An Act for the Exposition of the Statute of Fines.

FOrasmuch as by a Statute made in England in the fourth yeare of the raigne of the late King of famous memory, King Henry the seventh, it was among many good & sundry Statutes and Ordinances then made for the Common-wealth, enacted, ordayned & established, in what forme and manner Fines should bee levyed, with Proclamations in the Kings Court before his Justices of his Common Place: And that such Fines with Proclamations so had and made, to the intent to avoyd all strifes and debates, should be a finall end, and cõclude as well Privies as strangers to the same, (certaine persons excepted & saued, as in the said Statute more plainly appeareth:) since which time by the diuersity of interpretatiõ & expounding of the same Statute, it hath been and yet is by some manner of persons doubted and called in question, whether Fines with Proclamations levyed, or to be levyed, before the said Justices by any person or persons, having or clayming to haue in any Manors, lands, tenements, or hereditamẽts comprised in the same Fine, in possession, reversion, remainder, or in vse, any manner of estate tayle, should immediatly after the said Fine levyed, ingrossed, and Proclamation made, binde the right heire & heires of such Tenant in tayle, and euery other person and persons seized or clayming to their vse or vses, by occasion whereof, diuers debates, controuersies, suites & troubles haue been begun, moued & had within this Realme, and more bee like to ensue, if remedy for the same be not prouided.

For the establishment and reformation whereof, and for the, sure and sincere interpretation of the said Statute, in avoyding all dangers, contentions, controversies, ambiguities, and doubts, that hereafter may arise, grow, or happen:

Our Soueraigne Lord the King, with the assent of the Lords Spirituall and Temporall, and the Commons in this present Parliament assembled, and by the authority of the same, hath enacted and ordayned, that all and singular Fines, as well heretofore levyed, as hereafter to be levyed before the said Justices, with Proclamations according to the said Statute, by any person or persons of full age of one and twenty yeares, of any Manors, lands, tenements, or hereditaments, before the time of the same Fine levyed in any wise intayled to the person or persons so levying the same Fine, or to any the Ancestor or Ancestors of the said person or persons in possession, reversion, remainder, or in use, shall be immediatly after the same Fine levyed, ingrossed, and Proclamation made, adiudged, accepted, deemed & taken to all intents and purposes, a sufficient barre and discharge for ever against the said person and persons, and their heires, clayming the same lands, tenements & hereditaments, or any parcell thereof onely by force of any such intayle, and against all other persons clayming the same or any parcell therof onely to their use, or to the use of any manner of heires of the bodies of them: Any ambiguitie, doubt or contrarietie of opinion risen or growne upon the said Statute to the contrary notwithstanding.

Prouided alwayes, that this Act, nor any thing therein contained, shall extend to barre or exclude the lawfull Entrie, title or interest of any heire or heires, person or persons heretofore giuen, or hereafter to be giuen, growne or accrued to them or any of them, in or to any Manors, lands, tenements, or hereditaments, by reason of any Fine or Fines heretofore levyed, or hereafter to be levyed by any woman after the death of her husband, contrary to the forme, intent & effect of the Statute made in England, in the eleventh yeare of the said late King Henry the seventh, of any Manors, lands, tenements & hereditaments, of the inheritance or purchase of the said husband, or of any of his Ancestors, giuen or assigned to any such woman in dower for tearme of life, or in tayle, in use, or in possession, but that the same Act made in the said eleventh yeare of the said late King Henry the seventh, shall stand, remaine, and be in full strength and vertue in this Kingdome of Ireland, in euery article, sentence and clause therein contained.

Prouided also, that this Act, nor any thing therein contayned, doe extend to any Fine or Fines at any time heretofore levyed, or hereafter to be levyed of any Lordships, Manors, Lands, Tenements, or other Hereditaments, whatsoeuer they be, the possessioners & owners whereof, by reason of any expresse words contayned in any speciall Act or Acts of Parliament, made or ordayned sithence the said fourth yeare of the raigne of the said late King Henry the seventh, stand, be bounden or restrayned from making any Alienations, discontinuances, or other Alterations of any of the same Lordships, Manors, lands, tenemēts, or hereditamēts, contay-

contayned in the said Fine or Fines, but that all & euery such Fine & Fines at any time heretofore levyed, or hereafter to be levyed by any such person or persons, or their heires of any such Lordships, Manors, lands, tenements, or other hereditaments, shalbe of such like force and strength in the Law, and of none other effect then the same Fine so levyed should haue beene, if this present Act had neuer been had nor made: Any thing therein contained to the contrary thereof in any wise notwithstanding.

Prouided also, that this Act, nor any thing therein contayned, shall extend to any Fine or Fines heretofore levyed of any Manors, lands, tenements, or other hereditaments, now in suite, demaund, or variance in any of the Kings Courts, or whereof any Charters, Euidences, or Winuments cõcerning the same, be now in demand in the Kings high Court of Chancery, nor to any Fine or Fines heretofore levyed of any Manors, lands, tenements, or hereditaments, which before the first day of this present Parliament, haue beene recouered, gotten, or obtained by reason of any iudgement, entrie, decree, arbitrement, or other lawfull meanes, contrary to the purport, intent, or effect of any such Fine or Fines thereof heretofore levyed, nor to any Fine or Fines heretofore levyed, or hereafter to be levyed by any person or persons, of any Manors, lands, tenements or hereditaments, before the time of the levying of the same Fine giuen, granted or assigned to the said person or persons, levying the same Fine, or to any of his or their Ancestors in the tayle, by vertue of any Letters Patents of our said Soueraigne Lord, or any of his Progenitors, or by vertue of any Act or Acts of Parliament, the reversion whereof at the time of this same Fine or Fines so levyed, being in our said Soueraigne Lord, his Heires or Successors, but that euery such Fine & Fines shalbe of like force, strength and effect, as they were or should haue beene, if this Act had neuer beene had nor made.

CAP. IX.

An Act touching Proclamations vpon Fines.

WHereas vpon Fines levyed with Proclamations, doubts haue of late risen, by occasiõ of adiournement of tearmes, in which Proclamations should haue been made, according to the forme limited for Proclamations vpon Fines, by the Statute made in the fourth yeare of King Henry the seventh, and were not by reason of such adiournements had, nor made, according to the purpey of the same Statute.

Bee it therfore enacted, that all Fines aswell heretofore levyed,

as hereafter to be levyed before the Justices of the Cõmon Pleas, of any Manors, lands, tenements or other hereditamẽts, whereupon the Proclamations haue not, or shall not, by reason of adiournement of any Tearme by writ be duely made, shalbe of as good force, effect & strength, to all intents, constructions & purposes, as if any Tearme heretofore so adiourned, or that any time hereafter shalbe so adiourned, had been holden and kept from the beginning to the end thereof not adiourned, and Proclamations therein made, according to the forme & effect of the said Statute.

Prouided alwayes, that this Act shall not in any wise extend to any Fine heretofore levyed, of any Manors, lands, tenements, or hereditaments, now in suite, demaund or variance in any of the Kings Courts, or whereof any Charters, Euidences, or Minuments concerning the same, be now in demaund in the Kings high Court of Chancery, nor to any Fine or Fines heretofore levyed, of any Manors, lands, tenements, or hereditaments, which before the first day of this present Parliament, haue beene recouered, gotten, or obtained by reason of any iudgement, entrie, decree, arbitrement, or other lawfull meanes, contrary to the purport, intent or effect of any such Fine or Fines thereof heretofore levyed.

CAP. X.

An Act for reformation of errors in Fines and Recoveries.

For the appealing of suites, the avoyding of false practises, deceipts, deuises and mildemeanors, and for the helping of negligences & misprisions of Clearkes and Officers, dangerous to assurances of mens lands & hereditaments.

Bee it enacted by our Soueraigne Lord the Kings Maiesty, the Lords Spirituall and Temporall, and the Commons in this present Parliament assembled, and by the authority of the same, That euery Writ of Couenant & other Writ, wherupon any Fine heretofore hath beene levyed, or hereafter shalbe levyed, the returne thereof, The Writ of Dedimus potestatem, made for the knowledging of any of the same Fines, the returne thereof, The Concord, note, and foote of euery such Fine, The Proclamatiõs made thereupon, & the Kings silver, and also euery originall Writ of Entrie in the post, or other Writ, whereupon any common Recouery hath beene suffered, or hereafter shalbe suffered or passed, The writs of summons ad warrantizandum, the returnes of the said originals, and writs of summons ad warrantizandum, And euery warrant of Attourney, had or to be had, as well of euery Demandant and Tenant, as voucher extant and remaining, or that shalbe extant and

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in being, may vpon the request or election of any person, bee inrolled in Rolls of Parchment by the Clearke or proper Officer, in or by the same Court appointed, or to be appointed for that purpose, and for such reasonable Fees as that Court from time to time shall appoint. And that the Inrollments of the same, or of any part thereof, shalbe of as good force and validitie in Law, to all intents, respects & purposes, for so much of any of them so inrolled, as the same being extant and remaining, were or ought by Law to be.

And bee it further enacted by the authority aforesaid, That no Fine, Proclamations vpon Fines, or Cõmon Recouery heretofore had, levyed, suffered or passed, or hereafter to be had, levyed, suffered or passed, shalbe reversed, or reversable by any Writ of error, for false or incongruous Latine, rasure, interlyning, inserting of any warrant of Attourney, or of any Proclamation, mis-returning, or not returning of the Sheriffe, or other want of forme in words, and not in matter of substance.

And bee it further enacted by the authority aforesaid, That the Chirographer of Fines of the Common Pleas for the time being, for ever, shall write, and make, or cause to be written & made for every County where his Maiesties Writ runneth, one Table wherein shalbe contayned such Contents of every Fine that shall passe in any one Tearme, as hereafter is mentioned: That is to say, The name of the County wherin the Tenements mentioned in any Fee, lye: the name of every plaintiffe & defendeant, and of every Manor named in the Fine, if any such be, and of the townes & places where the Tenements in such Fine compriled, doe lye, and the first day of the next Tearme, after the ingrossing of every such Fine, shall fixe every of the said Tables vpon some open place of the Common Pleas, and so every day of the said Tearme, during the time of sitting of the said Court, and that the said Chirographer shall deliuer to every Sheriffe of every County, his Under-sheriffe or Deputy, faire written in parchment, a perfect content of the Table so to be made for that County, in the Terme that shalbe next, before the Assizes be holden in the said County, or els mesne between that Terme & the said Assises, and that every such Sheriff to whom such parchment with the content aforesaid, shall be deliuered the first day of the next Assises, after the deliuery thereof vnto him, and every day during the said Assises, shall fixe & set vp the said writing vndefaced, in some open place in the Court, where the Justices of Assises of that Countie shall sit, and shall see the same to continue there, during such time as the said Justices shall sit there in the Court, vpon paine that every Chirographer and Sheriffe offending against any thing in this Act contayned, shall forfeit to our Soueraigne Lord the Kings Maiesty, the summe of five pounds sterling, the one moytie thereof shalbe to the Kings Maiestie, his Heires & Successors, and the other moytie

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to him or them that will sue for the same in any Court of Record, wherein, no essoyne, protection, or wager of Law shalbe allowed. And that the Chirographer for the time being, shall haue and take for euery such content, of euery Fine so set downe in the Table aforesaid, foure pence sterling, and no more.

CAP. XI.

An Act for expedition of Iustice in cases of Demurrers &c.

FOrasmuch as excessiue charges and expences, and great delay and hinderance of Iustice hath growne in Actions & Suites betweene the Subiects of this Realme, by reason that vpon some small mistakings, or want of forme in pleading, Iudgments are often reversed by Writs of Errors, and oftentimes vpon Demurrers in Law, giuen otherwise then the matters in Law, and very right of the cause doth require, whereby the parties are constrayned either vtterly to loose their right, or else after long time, and great trouble and expences, to renew againe their Suites: For remedy thereof, Bee it enacted by the Kings most excellent Maiestie, the Lords Spirituall & Temporall, and the Commons in this present Parliament assembled, and by the authority of the same, That from henceforth, after demurrer ioyned & entred, in any Action or Suite in any Court of Record within this Realme, the Iudges shall proceede & giue iudgment, according as the very right of the cause & matter in Law shall appeare vnto them, without regarding any imperfection, defect, or want of forme, in any Writ, returne, plaint, declaration, or other pleading, processe or course of proceeding whatsoeuer, except those onely which the party demurring shall specially and particularly set downe & expresse together with his demurrer. And that no Iudgment to be giuen, shalbe reversed by any Writ of Error, for any such imperfection, defect, or want of forme, as is aforesaid, except such onely, as is before excepted.

And bee it further enacted, that after Demurrers ioyned & entred, the Court where the same shalbe, shall and may by vertue of this Act, from time to time amend all & euery such imperfections, defects, and wants of forme, as is before mentioned, other then those onely, which the party demurring, shall specially, and particularly expresse and set downe, together with his Demurrer, as is aforesaid.

Prouided alwayes, and bee it further enacted by the authority aforesaid, that this Act, or any thing therein contained, shall not extend to any Writ, Declaration, or Suite of appeale of Felony, or Murder,

Murder, nor to any Indictment or presentment of any Felonie, Murder, Treason, or other matter, nor to any processe vpon any of them, nor to any Writ, Bill, Action, or information vpon any Popular or penall Statute: Any thing aforesaid to the contrary notwithstanding.

CAP. XII.

¶ An Act for reformation of Ieofailes, &c.

WHeras in the three and thirtieth yeare of the reigne of king Henry the eight of famous memory, a good and profitable Law intitled, an Act concerning mis-pleading, and Ieofailes, was made & enacted in this Kingdome of Ireland: by which law, many delayes of Judgments were prevented, and yet notwithstanding many things haue, and daylie doe fall out, not yet prouided for, nor remedied by the Law before mentioned.

Bee it therefore enacted by the Kings most excellent Maiesty, the Lords Spirituall & Temporall, and the Commons in this present Parliament assembled, and by authority of the same, that if any verdict of twelve men, or more, shalbe hereafter giuen in any action, suit, bill, plaint, or demaund, in any Court of Record, the Judgment thereupon shall not be stayed or reversed, by reason of any default in forme, or lack of forme, touching false Latine, or variance from the Register, or other defaults in forme, in any Writ, originall, or iudiciall, Count, declaration, plaint, bill, suite, or demand, or for want of any writ originall, or iudiciall, or by reaso of any imperfect or insufficient returne of any Sheriff, or other Officer, or for want of any warrant of Attourney, or by reason of any manner of default in processe, vpo or after any aid, prayer, or vowcher, nor any such Record or Judgment after verdict to be giuen hereafter, shalbe reversed for any the defects or causes aforesaid.

And bee it further enacted by the authority aforesaid, That if any verdict of twelve men, or more, shall hereafter be giuen for the Plaintiffe, or Demandant, or for the Defendant; or Tenant, Baylie in Assize, vowchee, prayee in aide, or Tenant by Receite, in any action, suit, bill, plaint, or demaund, in any Court of Record, the Judgment thereupon shall not be stayed, nor reversed by reaso of any variãce in forme onely, between the originall Writ, or Bill, and the Declaration, Plaint, or Demand, or for lacke of an auerment of any life, or lives, of any person or persons, so as vpon examination, the said person be proued to be in life, or by reaso that the venire facias, habeas corpora, or Distringas, is awarded to a wrong Officer, vpon any insufficient suggestion, or by reason the visne is in some part mis-awarded, or sued out of more places, or of fewer places then it ought to be, so as some one place be right named, or by reason that any of the Jury which tryed the said issue, is mis-

named, either in the name, surname, or addition, in any of the said Writs, or in any returne vpon any of the said Writs, so as vpon examination it be proued to be the same Man that was meant to be returned, or by reason that there is no returne vpon any of the said Writs, so as a Pannell of the names of Iurors be returned & annexed to the said Writ, or for that the Sheriffes name, or other Officers name, hauing the returne thereof, is not set to the returne of any such Writ, so as vpon examination it be proued, that the said Writ was returned by the Sheriffe, or Vnder-sheriffe, or such other Officer, or by reason that the plaintiffe in any ejectione firmæ, or in any personall action, or suite, being an Infant, vnder the age of one and twenty yeares, did appeare by Attourney therein, and the verdict passed for him: Any law, custome, or vsage to the contrary notwithstanding.

Prouided alwayes, and bee it further enacted by the authority aforesaid, That this Act, nor any thing therein contayned, shall not extend to any Writ, declaration, or suite of appeale of Felony, or Murder, nor to any Indictment, or presentment of Felony, Murder, or Treason, nor to any proceese vpon any of them, nor to any Writ, Bill, Action, or Information, vpon any popular, or penall Statute: Any thing therein contayned to the contrary thereof in any wise notwithstanding.

Prouided also, and bee it enacted by the authority aforesaid, that all and euery the Attourney, and Attourneyes in any suite, or suites, action, or actions, in any Court of Record, shall deliuer in, his and their warrant or warrants of Attourneyes, in all & euery such actions, or suites, wherein they be named Attourneyes, to be entred, or filed, of Record, in such manner and forme as heretofore by the Law or Statute in that behalfe made, they should or ought to haue done, vpon paine to forfeit ten pounds for euery such offence, the one moytie thereof to be to the Kings Maiesty, his Heires, and Successors, and the other moytie to such other Officer, or Officers, to whom, or in whose Office, the same warrant or warrants should be deliuered, entred, or filed, and to suffer imprisonment by the discretion of the Iudge, Iustice, or Iustices of the Court for the time being, wherein any such default shall fortune to be had, or made, the said ten pounds to be recouered by action of debt, bill, or information, in which, no essoyne, protection, or wager of Law shalbe allowed.

CAP. XIII.

CAP. XIII.

An Act concerning the appearance of Iurors in the *Nisi prius*.

IN all humblenesse, wee your Highnes subiects of this your Realme of Ireland, doe pray & beseech your most excellent Maiestie, that it may be enacted by your Highnes, with the assent of the Lords Spirituall and Temporall, and Commons in this present Parliament assembled, in manner and forme following, viz: Forasmuch as the issues, ioyned in euery action, suite, & demaund, betweene partie & partie, at the Common Law, are by the Lawes of this Realme, for the most part tryed, and tryable by the verdict of twelue men, wherein is daylie seene great delay, partly for lacke of appearance of the persons returned to try such issues, the occasion whereof commeth by reason of maintenance, imbracery, sinister labour, and corrupt demeanors, and partly by reason of the Challenges of the parties to the Jury, or Jurors, so returned: to the great costs, charges, and hinderances of the parties, to the said actions, suites, and demaunds, and to the great delay and hinderance of Justice.

For reformation whereof, and for the more expedition of Justice, hereafter to be had in such manner of tryall of issues, Bee it enacted by the authority of this present Parliament, that in euery Case, where such persons as should passe vpon the tryall of any issue ioyned in any of the Kings Courts of Record, cõmonly holden at Dublin, ought by the Law to dispend forty shillings by the yeare of free-hold, that the Writs of venire facias, which from & after the first day of November next, shalbe awarded & directed, for the impannelling of such persons as shall try the same issue, shalbe in this forme, Rex &c. præcipimus &c. quod venire facias coram &c. duodecem liberos, & legales homines, de visu de B. quorum quilibet habeat quadraginta solidat' terr' tenement' vel redit' per annum ad minus, per quos rei veritas melius sciri poterit: & qui nec &c. And so forth the residue of the said Writ, after the ancient forme: And in euery Case where it is not requisite, that the persons that shall passe vpon the tryall of any issue, ioyned in any of the Kings Courts aforesaid, shall dispend forty shillings by the yeare, of free-hold, that then the Writs of (venire facias) that shalbe awarded after the said first day of November, shalbe made after the forme aforesaid, omitting this clause, quorum quilibet habeat quadragint' solidat' terræ tenement', vel reditus per annum ad minus: And that vpon euery such Writ and Writs of venire facias, that shall haue the said clause, quorum quilibet &c. the Sheriffe, or other minister, or ministers, to whom the making of the pannell, shall appertaine, shall not returne in

any such pannell, any person, vnlesse he may dispend forty shillings by the yeare at the least, of estate of free-hold, within the County where the issue is to be tryed, and also shall returne in every such pannell, vpon the same venire facias, two sufficient hundredors at the least, if there be so many hundredors within the said Barony or Hundred where the venire lyeth, vpon paine to forfeit for euery person being returned in any such pannell, that cannot dispend forty shillings by the yeare, as is aforesaid, twenty shillings. And for euery hundredor that shalbe omitted in such returne of the number aforesaid, twenty shillings. And that the said returne of two hundredors, or more, so made by the Sheriff, shalbe as good & sufficient in the Law, to all intents, constructions & purposes, as if foure, or more hundredors, had been returned, as before the making of this Statute, was vsed & accustomed: and in euery writ of venire facias, wherein the said clause of quorũ quilibet &c. shalbe omitted, the Sheriff or other minister, or ministers, to whom the making of the pannell shall appertaine, shall not returne in any such pannell, any perſõ, vnlesse he haue some lands, or tenemẽts, of estate of free-hold, within the Countie where the issue is to be tryed: and also shall returne in euery such pannell vpon the same venire facias, two sufficient hundredors at the least, if there be so many hundredors within the said Hundred, or Barony, where the venue lyeth, vpon like paine, as is aforesaid. And that the said returne of two Hundredors, or more, vpõ euery such venire facias, so made by the Sheriff, shalbe as good & sufficient in the Law, to all intents, constructions, & purposes, as if foure, or more hundredors, had been returned, as before the making of this Statute was vsed & accustomed.

And furthermore be it enacted by the authority aforesaid, that vpon euery first writ of habeas corpora, or Distringas, with a Nisi prius, deliuered to the Sheriffe, or other minister, or ministers, to whõ the making of the returne shall appertaine, the said Sheriff, and other minister & ministers, shall frõ & after the said first day of Nouember, returne in issues vpõ euery person impanelled & returned vpõ any such writ, at the least five shillings: and at the second writ of habeas corpora, or distringas, with a Nisi prius vpon euery person impanelled & returned vpon any such writs, ten shillings at the least: and at the third writ of habeas corpora, or distringas, with a Nisi prius, that shalbe further awarded vpon euery person impanelled & returned vpon any such writ, thirteen shillings foure pence: and vpon euery writ that shalbe further awarded to try any such issue, to double the issues last afore specified, vntill a full Jury be sworne, or the proceſſe otherwise ceased, or determined, vpon paine to forfeit for euery returne to be made, contrary to the forme aforesaid, five pounds. And for a more speedy tryall of issues to bee tryed by verdict of twelue men, hereafter to be had, Bee it enacted by the authority aforesaid, that in euery such writ of habeas corpora, or distringas, with a Nisi prius, where a full Jury shall not appeare

peare before the Iustices of Assizes, or Nisi prius, or else, after appearance of a full Iury, by challenge of any of the parties, the Iury is like to remaine vntaken, for default of Iurors, That then the same Iustices, vpon request made by the party plaintiff, or demandant, or by him that maketh cognizance or avowry in a Replevin, or by the Tenant, or Defendant, in all actions, shall haue authority, by vertue of this Act, to command, (aswell where the Kings Maiestie is, or shall be party, or where the same is, or shalbe prosecuted by any Informer, aswell for the King, as himselfe, as in all other actions whatsoeuer) the Sheriff, or other minister, or ministers, to whom the making of the said returne shall appertaine, as often as need shall require, by the nomination of the Iustices of Assizes, or one of them, to impannell so many of such other able persons of the said County, then present at the said Assizes, or Nisi prius, as shall make vp a full Iury: which persons so to be named & impannelled, shalbe added to the former pannell, and their names annexed to the same, and that euery of the parties, shall and may haue, his or their challenge to the Iurors so named, added & annexed to the said former pannell, in such wise, as if they had been impannelled vpon the venire facias, awarded to try the said issue, and that the said Iustices, shall & may proceed to the tryall of euery such issue, with those persons that were impannelled, and returned, and with those newly added & annexed to the said former pannell, by vertue of this Act, in such wise as they might, or ought to haue done, if all the said Iurors had beene returned vpon the Writ of venire facias, awarded to try the said issue. And that all & euery such tryall, had after the said first day of November, shalbe as good & effectuall in the Law, to all intents, constructions & purposes, as if such tryall had been had & tryed by twelue of the Iurors, impannelled & returned vpon the Writ of venire facias, awarded to try such issue. And in case such persons as shalbe named & appointed, as is aforesaid, or any of them, after they shalbe called, be present, and doe not appeare, or after his, or their appearance, doe wilfully withdraw him or themselues from the presence of the Court, that then such Iustices, shall & may, set such Fine vpon euery such Iuror, making default, or willfully withdrawing himselfe, as is aforesaid, as they shall think good by their discretion, the said Fine to be levyed in such manner & forme, as the issues, forfeited & lost by Iurors, by default of their appearance at the Common Law, haue beene accustomed to be levyed.

And be it further enacted by the authority aforesaid, that where any Iury that shalbe returned by the Sheriffe, or other minister, or ministers, shalbe made full, by the commandement & nomination of the said Iustices, by vertue of this present Act, that yet neuertheless such persons, as were returned in the said pannell by the Sheriffe, or other minister, or ministers, to try any such issue, that shall not appeare, but make default, shall loose the issues vpon

them returned, in such wise, as though the same Jury had remained, for default of Jurors.

Prouided alwayes, and bee it enacted, that vpon a reasonable excuse, for the default of appearance of any Juror, or Jurors, sufficiently proued, before the Justices of Assizes, or Nisi prius, at the day of their appearance, by the oath or oathes, of one, or more lawfull & honest witnesse, or witnesses, that the same Justices, shall haue authority, by their discretions, to discharge euery such Juror, of euery such forfeiture of issues vpon him returned: And that the Sheriffe, or Sheriffes, or other minister, or ministers, hauing commandement, by the said Justices, to omit the returning of such issues, as is aforesaid, vpon such Juror, or Jurors, shalbe therein discharged of the penalties aforesaid, for the non-returning of the said issues: And that yet notwithstanding, the said returne shalbe good & effectuall in the Law: Any Law, vsage, or custome to the contrary notwithstanding.

Prouided also, and be it enacted, by the authority aforesaid, that if the said Justices, before whom any such Jury should appeare, in the County where such issue is to be tryed, by vertue of a writ of Nisi prius, doe not come at the day & place appointed, but that the Assize, or Nisi prius, for that time, shalbe discõtinued, for not cõming of the said Justices, or for any other occasiõ, other then by default and lacke of Jurors: that then euery one of the same Jurors shall be discharged for forfeiting of any issues, vpon him returned in the same writ: And the Sheriffe, or any other minister, or ministers, shalbe likewise discharged of the penaltie of this Statute, for the not returning of such issues, as are before limited in this Act: Any article, or sentence, herein contained to the contrary notwithstanding.

Also bee it further enacted by the authority aforesaid, that if vpon any such writ of habeas corpora, or distringas, with a Nisi prius, issues be returned vpon any Hundredors, Juror, or Jurors, by the Sheriffe, or other minister or ministers, to whom the execution of the same writ or writs shall appertaine, whereas the same Hundredors & Jurors, shall not bee lawfully summoned, warned, or distrained, in that behalfe: That then euery such Sheriffe, or other minister, or ministers aforesaid, shall lose for euery such offence so committed, double so much as the said issues, returned vpon such Hundredors, or Jurors, not lawfully summoned, warned, or distrained, shall amount vnto: The moytie of all which forfeitures contained in this present Act, other then the Issues to be returned vpon the Jurors, as is aforesaid, shall be to the King our Soueraigne Lord, and the other halfe to him that will sue for the same, by action of debt, bill, plaint, or information, in any of the Kings Courts of Record, in which, no wager of Law, essoyne, or protection shalbe allowed, ne admitted. Sauing to all manner of persons and bodies politique & corporate, their heires, and succes-

sors,

ressors, hauing lawfull right, title, and interest, to haue such issues, to be before any such Justices of Assize, or Nisi prius, at any time or times hereafter, lost & forfeited, all such right, title and interest, as they, or any of them, should, or might haue had, to such issues, to be lost and forfeited, as though this Act had neuer beene had, or made.

Prouided also, that this Act, nor any thing therein contained, shall not extend to any Citty, or Town corporate, or to any Sheriffe, minister or ministers in the same, for the returne of any Inquest, or Pannell, to be made, and returned, of persons inhabiting in the said Cities or Townes corporate, but that they & euery of them, shall, and may returne such persons in euery such Inquest, or Pannell, as before this time they might, and haue been accustomed to doe, and as this Act had neuer beene had, or made: so that the same Sheriff, minister or ministers, returne vpon such persons as shalbe impannelled, like issues, as are before mentioned in this Act: Any thing in the same contayned to the contrary, notwithstanding.

CAP. XIV.

An Act for the continuance of Actions after the death of any King.

WHereas the Kings Subiects heretofore, haue to their great charges, costs & expences, prosecuted & sued, diuers & sundry Actions, aswell reall and personall, as all other actions mixt, or otherwise, in the Kings Maiesties Courts, and other Courts of Records, not onely by Writs, but also by plaints, or bills: which Actions, suites, bills, and plaints, by the death or demise of the Kings of this Realme, haue been discontinued, and the parties in euery such Actions, suits, bills, and plaints, thereby haue beene put without day, whereby the Demaundants, Plaintiffs & Actors, in euery such Action & Suite, were compelled & driuen, by the order of the Lawes of this Realme, for their further remedie, further to commence or begin againe, his or their said Actions, suits, or plaints, or else to prosecute & sue Re-summons, Re-attachments, scire facias, or such other like Processe, to reuiue his, or their said Actions, suites, or plaints, which was not onely to their great costs, charges, expences, hinderances and delay of their causes and suites, but also a great lett and hinderance of Justice.

For reformation whereof, Bee it ordained, established, and enacted by the King our Soueraigne Lord, and the Lords & Commons in this present Parliament assembled, and by the authority of the same, That from henceforth, by the death, or demise of the Kings

Kings Maiesty, that now is, (whose life, Almighty God long preserue, keepe, and maintaine in his most Royall estate) nor by the death, or demise of any that hereafter shall be King of this Realme, any action, suite, bill, or plaint, now, or that hereafter shall depend betweene partie and partie, in any of the Courts aforesaid, shall not in any wise be discontinued, or put without day: But that the Processe, Pleas, Demurrers, and Continuances in euery Action, Actions, suits, bills, or plaints, which now, or that hereafter shall depend, shall stand good & effectuall, and be prosecuted & sued forth, in such manner and forme, and in the same estate, condition, and order, as if the same King had liued & continued in full life: the death or demise hereafter of any King of this Realme, notwithstanding. And that all and all manner of Judiciall processe, that hereafter shalbe had, or pursued, in the time of the raigne of any other King, than raigned at the time of the pursuit of the originall, or other former processe, shalbe made in the name of the King, that for the time shall raigne, and be King of this Realme, and that variance touching the same processe, between the names of the Kings, shall not be in any wise materiall, as concerning any default to be alledged, or obiected therefore.

And also bee it further enacted and established by the authority aforesaid, That all and euery Assize of Nouell disseizin, Assize of Mordantcester, Iuris utrum, and Attaint, which at any time hereafter shalbe arraigned, commenced, or sued, before any of the Kings Justices of Assize, shall not from henceforth be discontinued, or put without day, by reason of death, new commission, association, or not comming of the same Justices of Assize, or any of them, but shall stand good & effectuall in the Law, to all intents, constructions & purposes, The death, the new commission, association, or not comming of the same Justices, or any of them, in any wise notwithstanding.

And ouer that, bee it ordained & enacted by the authority aforesaid, That albeit any demandant, or plaintiffe, in any manner of action, bill, or suit, shall fortune to be made or created Duke, Archbishop, Marquesse, Earle, Viscount, Bishop, Baron, Justice of the one Bench, or of the other, Baron of the Exchequer, Knight, or Seriant at Law, depending the same Action, bill, or suite, yet that notwithstanding, that no Writ, Action, or suite, shall for such cause in any wise be abateable, or abated, but shall remaine in like force, goodnes and strength, as the same was before: Any law or vsage to the contrary in any wise notwithstanding.

And also bee it ordained and enacted by the authority aforesaid, that albeit any person or persons, being Justice of Assize, Justice of Gaole deliuery, Justice of peace within this Realme, or being in any other of the Kings Commissions whatsoeuer, shall fortune to be made or created Duke, Archbishop, Marquesse, Earle, Viscount, Bishop, Baron, Justice of the one Bench, or of the other,

Baron,

Baron of the Exchequer, Knight, Serieant at Law, or Sheriffe, yet that notwithstanding, he & they shall remaine Iustice & Commissioner, and haue full power and authority to execute the same, in like manner and forme, as he, or they might, or ought to haue done, before the same.

And bee it ordained & enacted by the authority aforesaid, That in all cases where any person or persons heretofore haue beene, or hereafter shalbe found guilty of any manner of Treason, Murder, Man-slaughter, Rape, or other felony whatsoeuer: for the which, Iudgment of death, should, or may ensue, and shalbe reprieued to prison, without Iudgment at that time, giuen against him, her, or them, so found guilty, That all & euery person or persons, that at any time hereafter, shall by the Kings Commission, be assigned Iustice or Iustices, to deliuer the Gaole, where any such person or persons, found guilty, shall remaine: shall haue full power & authority, to giue Iudgment of death against such person or persons, so found guilty & reprieued, as the same Iustice or Iustices (before whom such person or persons, was, or were found guilty) might haue done, if their Commission of Gaole-deliuery had remained & continued in full force and strength.

Also bee it also enacted by the authority aforesaid, That in all cases, where any person or persons heretofore haue beene, or hereafter shalbe adiudged & condemned of any manner of Treason, or Felonie whatsoeuer, and shalbe reprieued, or the execution respited for any cause whatsoeuer, That euery person or persons, which at any time hereafter, shall by the Kings Commission be assigned Iustice or Iustices, to deliuer the Gaole, where any such person or persons, adiudged & condemned, as aforesaid, shall remaine not executed, shall haue full power & authority to award execution vpon euery such Iudgmēt, against euery such person or persons, adiudged & cōdemned, as aforesaid, in as large & ample manner & forme, to all intents, constructions & purposes, as the same Iustice or Iustices, by whom such Iudgment was giuen, might haue done, (if no cause had to him or them appeared, for the stay, respiting, or deferring of the execution) and as if his or their Cōmission of Gaole-deliuery had remained & continued in full force & strength. And ouer that, that no manner of proceſſe, or suite, made, sued, or had, before any Iustices of Assize, Gaole-deliuery, Oyer & Terminer, Iustices of peace, or other of the Kings Commissioners, shall in any wise be discontinued by the making & publishing of a new Cōmissiōn, or Associatiō, or by altering of the names of the Iustices of Assize, Gaole-deliuery, Oyer & Terminer, Iustices of peace, or other the Kings Commissioners: but that the new Iustices of Assize, Gaole-deliuery, and of the Peace, and other Commissioners, may proceede in euery behalfe, as if the old Commissions and Iustices, and Commissioners had still remained, and continued not altered,

CAP. XV.

¶ Like proceſſe ſhall bee had in every Writ of annuitie, and certaine other actions, as in an action of debt.

FOraſmuch as there are great delayes in Actions of treſpaſſe, brought vpon the Statute of King Richard the ſecond, made in the fifth yeare of his reigne, againſt them that make entries into any lands, or tenements, where their entrie is not giuen by the Law: And alſo in actions vpon the Caſe, actions of annuity, and actions of couenant, becauſe there lyeth no proceſſe of outlawrie, in ſuch nature of Actions.

For reformation whereof, It may pleaſe the Kings Highnes, by the aduiſe of his Lords Spirituall & Temporall, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, to ordaine and enact, That like proceſſe be had hereafter in euery action from henceforth, to be brought vpon the Statute of Anno quinto, and in euery Action vpon the Caſe, as is in a common Action of treſpaſſe at the Common Law, and that alſo like proceſſe be had in euery Writ of annuitie, and couenant, hereafter to be ſued, as in an action of debt.

CAP. XVI.

¶ An Act for eaſe in pleading againſt troubleſome and contentious ſuites, proſecuted againſt Sheriffs, Iuſtices of Peace, Maiors, Conſtables, and certaine other Officers, for the lawfull execution of their office.

FOr eaſe in pleading againſt many cauſeleſſe and contentious ſuites, which haue beene, and daylie are commenced and proſecuted againſt Sheriffs, Iuſtices of peace, Maiors, or Bayliffs of Cities and Townes Corporate, Head-burroughs, Portriues, Conſtables, Ouer-ſeers of the poore, Tithing-men, Collectors of Subſidies and Fifteenes, and Church-wardens, and other Officers, who for due execution of their Offices, haue beene troubled & moleſted, and ſtill are like to be troubled and moleſted, by euill-diſpoſed, contentious perſons, to their great charge and diſcouragement in doing their Offices.

Bee it therefore enacted by our Soueraigne Lord the Kings Maieſty, and by the Lords Spirituall & Temporall, and Commons in this preſent Parliament aſſebled, and by authority of the ſame, That

That if any Action, Bill, Plaint, or Suite vpon the case, trespasse, battery, or false imprisonment, shalbe brought, after the end of this present Session of Parliament, against any Sheriffe, Iustice of Peace, Maior, or Bayliffe, of Citty, or Towne Corporate, Headburrough, Portreeue, Constable, Tithing-man, Ouer-seer of the Poore, Collector of Subsidie or Fifteenes, Churth wardens, or any other Officer, or Officers, executing his, or their Office, or Offices, and their Deputies, or any of them, or any other, which in their ayde, or assistance, or by their commandement, shall doe any thing touching or concerning their Office or Offices, for, or concerning any matter, cause, or thing, by them, or any of them done, by vertue, or reason of their, or any of their Office or Offices: That the said Action, Bill, Plaint, or Suite, shalbe layde within the County where the trespasse or fact shalbe done & committed, and not elsewhere. And that it shalbe lawfull, to & for all and euery person & persons aforesaid, to pleade thereunto the generall issue, that he, or they are not guiltie, and to giue such speciall matter in euidence to the Jury, which shall try the same: which speciall matter, being pleaded, had beene a good sufficient matter in Law, to haue discharged the said Defendant or Defendants of the trespasse, or other matter, layde to his or their charge. And that if vpō tryall of any such Action, Bill, Plaint, or Suite, the Plaintiffe or Plaintiffes therein, shall not proue to the Jury which shall try the same, that the trespasse, battery, imprisonment, or other fact, or cause, of his, her, or their such Action, Bill, Plaint, or Suite, was, or were, had, made, committed, or done, within the County wherein such Action, Bill, Plaint, or Suite shalbe layde: That then in euery such case, the Jury which shall try the same, shall finde the Defendant & Defendants in euery such Action, Bill, Plaint, or Suit, not guilty, without hauing any regard or respect to any Euidence giuen by the Plaintiffe or Plaintiffes therein, touching the trespasse, battery, imprisonment, or other cause, for which the same Action, Bill, Plaint, or Suit is, or shalbe brought. And if the verdict shall passe with the Defendant, or Defendants, in any such Action, Bill, Plaint, or Suit, or the Plaintiff or Plaintiffs therein, become non-suite, or suffer any discontinuance thereof, that in euery such case, the Defendant or Defendants, shall haue his, or their double costs, which he, or they, shall haue sustained, by reason of their wrongfull vexation, in defence of the said Action, or Suit, for which the said Defendant or Defendants, shall haue like remedy, as in other cases, where costs, by the Lawes of this Realme are giuen to the Defendants.

CAP. XVII.

¶ An Act, that where the Plaintiffe is non-ſuite, the Defendant ſhall recover coſts.

BEe it enacted by the King our Soueraigne Lord, and the Lords Spirituall & Temporall, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame: that if any perſon or perſons, at any time, after the firſt day of May, which ſhalbe in the yeare of our Lord God, one thouſand ſix hundred thirty & five, cõmence or ſue in any Court of Record, or elſewhere, in any other Court, any Action, Bill, or Plaint, or Treſpaſſe vpon the Statute of King Richard the ſecond, made in the fifth yeare of his reigne, for Entries into lands & tenements, where none entrie is giuen by the Law, or any action, bill, or plaint of debt, or Couenant: or vpon any Contract, ſuppoſed to bee made betweene the Plaintiff or Plaintiffs, & any perſon or perſons, or any action, bill or plaint of Detinue, of any goods or chattells, wherof the Plaintiffe or Plaintiffes, ſhall ſuppoſe that the property belongeth to them, or to any of them, or any action, bill, or plaint of accompt, in the which the Plaintiffe or Plaintiffes ſuppoſe the Defendant or Defendãts to be their Bayliff or Bayliffs, Receiuer or Receiuers, of their manno, meſe, money or goods to yeeld accompt: or any action, bill, or plaint vpon the caſe, or vpon any Statute, for any offence or wrong perſonall, immediatly ſuppoſed to bee done to the Plaintiffe, or Plaintiffes: and the Plaintiffe, or Plaintiffes, in any ſuch kind of Action, Bill, or Plaint, after appearance of the Defendant or Defendants be non-ſuited, or that any verdict happen to paſſe by lawfull tryall againſt the Plaintiffe or Plaintiffes in any ſuch action, bill, or plaint, That then the Defendant or Defendants, in euery ſuch action, bill, or plaint, ſhall haue Judgment to recouer his coſts againſt euery ſuch Plaintiffe or Plaintiffes: And that to be aſſeſſed and taxed by the diſcretion of the Judge or Judges of the Court, where any ſuch Action, Bill, or Plaint, ſhall be commenced, ſued, or taken: And alſo that euery Defendant in ſuch action, bill, or plaint, ſhall haue ſuch proceſſe & execution for the recouery & hauing of his coſts againſt the Plaintiff or Plaintiffes, as the ſame Plaintiffe or Plaintiffes, ſhould, or might haue had againſt the Defendant or Defendants, in caſe that Judgment had been giuen for the part of the ſaid Plaintiffe or Plaintiffes, in any ſuch action, bill, or plaint.

Prouided alway, that all and euery ſuch poore perſon or perſons, being plaintiffe or plaintiffes, in any of the ſaid actions, bills, or plaints, which at the commencement of the ſuits, or actions, bee admitted by diſcretion of the Judge or Judges, where ſuch ſuites

or

or actions shalbe pursued or taken, to haue their processe & counsell of charity, without any money or fee paying for the same, shall not be cõpelled to pay any costs, by vertue & force of this Statute, but shall suffer other punishment as by the discretion of the Justices or Judge, afore whom such suites shall depend, shalbe thought reasonable: Any thing afore rehearsed to the contrary hereof notwithstanding.

Prouided notwithstanding, that if the plaintiffe or plaintiffes, be, or shalbe non-suited in any whatsoeuer Action, suit, bill, or plaint, commenced, or to be commenced, sued, or to be sued, to the vse of our said Soueraigne Lord the King, his Heires or Successors, or that it shall happen any such verdict to passe against any such plaintiffe or plaintiffes, in any action, suit, bill, or plaint, sued, or to be sued to the Kings vse, the defendant or defendants shall not recouer any costs against any such plaintiffe or plaintiffes: Any Act, or Statute, made in this present Parliament, or any other thing to the contrary being in any wise notwithstanding.

CAP. XVIII.

¶ An Act appointing an order to Iustices of Peace, touching the bailement, committing, and taking examination of Prisoners, &c.

WHere in the Parliament holden at Westminster, in the third yeare of the raigne of the Noble Prince Henry the seuenth: It was among other things ordained & enacted, that no prisoner, arrested for felonie, should be letten to baile or mainprise, by any one Justice of peace, but by the whole Justices, or at least by two of them, whereof one to be of the Quorum: Since the making of which Statute, one Justice of peace, in the name of himselfe, and one other of the Justices, his Companion, not making the said Justice party, nor priuy vnto the case, wherefore the prisoner should be bayled, hath oftentimes by sinister labour & meanes, set at large the greatest Offendors, such as be not replevisable by the Lawes of this Realme, and yet the rather to hide their affections in that behalfe, haue signified the cause of their apprehension, to bee but onely for suspition of felony, whereby the said Offendors haue escaped vnpunished, and doe daylie, to the high displeasure of Almighty God, the great perill of the Kings true Subiects, and encouragement of all Theeues and euill doers.

For reformation whereof, Bee it ordained, and enacted by the Kings most excellent Maiestie, the Lords Spirituall & Temporall, and the Commons in this present Parliament assembled, and by authority of the same, that from and after the first day of May

next ensuing, no Iustice or Iustices of peace, shall let to baile or mainprise, any such person or persons, which for any offence or offences, by them or any of them committed, be declared not to bee replevied or bayled, or be forbidden to be replevied or bayled by the Statute of Westminster the first, made in the Parliament holden in the third yeare of the reigne of King Edward the first. And furthermore, that any person or persons, arrested for Man-slaughter or felonie, or suspition of Man-slaughter, or felonie, being bailcable by the Law, shall not after the said first day of May, be let to baile or mainprise, by any Iustices of peace, if it bee not in open Sessions, except it be by two Iustices of peace at the least, whereof one to be of the Quorum, and the same Iustices to be present together at the time of the said bailement or mainprise: which bailement or mainprise they shall certifie in writing, subscribed or signed with their owne hands, at the next generall Gaole-deliuery to be holden within the Countie, where the said person or persons shalbe arrested, or suspected. And that the said Iustices, or one of them, being of the Quorum, when any such prisoner is brought before them, for any Man-slaughter or felonie, before any baile or mainprise, shall take the examination of the said prisoner, and information of them that bring him, of the fact and circumstances therof, and the same, or asmuch thereof, as shalbe materiall to proue the felonie, shall put in writing before they make the same bailement: which said examination, together with the said bailement, the said Iustices shall certifie at the next generall Gaole-deliuery, to bee holden within the Countie where such offence or offences ought to bee tryed: And that euery Coroner vpon any Inquisition, before him found, whereby any person or persons shall bee indicted for Murder or Man-slaughter, or as accessarie or accessaries to the same, before the Murder or Man-slaughter committed, shall put in writing the effect of the Euidence giuen to the Iury before him, being materiall, and aswell the said Iustices, as the said Coroner, shall haue authority by this Act, to binde all such by Recognizance or Obligation, as doe declare any thing materiall, to proue the said Murder or Man-slaughter, or offences, or felonies, or to be accessary or accessaries of the same, as is aforesaid, to appeare at the next generall Gaole-deliuery, to be holden within the Countie, Citty, or Towne Corporate, where the tryall thereof shall be, then & there to giue in Euidence, against the party so indicted, at the time of his tryall, and shall certifie aswell the same Euidence, as such bond and bonds in writing, as he shall take, together with the Inquisition or Indictment, before him taken and found, at, or before the time of the said tryall thereof to be had, or made. And likewise the said Iustices shall certifie all and euery such bond taken before them, in like manner as before is said of bailements and examination. And in case any Iustice of peace, of Quorum, or Coroner, shall after the said first day of May, offend in any thing contrary

trary to the true intent & meaning of this preſent Act, That then the Juſtices of Gaole-deliuery of the Shire, Citty, Towne, or Place, where ſuch offence ſhall happen to be committed, vpon due proofe thereof by examination before them, ſhall for euery ſuch offence, ſet ſuch Fine on euery of the ſame Juſtices of the peace, and Coroner, as the ſame Juſtices of Gaole-deliuery ſhall think meet, and eſtreat the ſame as other fines and amerciaments, aſſeſſed before Juſtices of Gaole-deliuery, ought to be.

And bee it alſo enacted by the authority aforeſaid, that no Writ of habeas corpus, or Certiorari, ſhalbe hereafter granted to remoue any Priſoner out of any Gaole, or to remoue any Recognizance, except the ſame Writs doe containe a clauſe to certifie the true cauſe of the impriſonment of the ſaid Priſoner, and the cauſe of the taking of the ſaid Recognizance, and the names of the Juſtices of the peace who committed ſuch Priſoner, and tooke ſuch Recognizance: And except the ſame Writ be ſigned with the proper hands of the Chiefe Juſtice, or in his abſence, of one of the Juſtices of the Court, out of which the ſame Writ ſhalbe awarded or made, vpon paine that he that writeth any ſuch Writ in other manner, as is aforeſaid, not being ſigned, as is aforeſaid, to forfeit to our ſaid Soueraigne Lord the King, for euery ſuch Writ, five pounds. And that all Writs of Certiorari, and Habeas Corpus, from henceforth to bee iſſued, contrary to this Act, ſhalbe vtterly voyde, and of no effect, and ſhalbe no warrant to remoue the Priſoner, or Recognizance.

Bee it further enacted by the authority of this preſent Parliament, that from henceforth ſuch Juſtice or Juſtices, before whom any perſon or perſons ſhalbe brought for any Treaſon, Murder, Man-ſlaughter, or Felonie, or for ſuſpition thereof, before he, or they ſhall commit or ſend ſuch priſoner or priſoners to Ward, ſhall take the examination of ſuch priſoner & priſoners, and informatiõ of thoſe that bring him or them, of the fact & circũſtance therof: And the ſame, or ſo much thereof as ſhalbe materiall to proue the ſaid Treaſon, Murder, Man-ſlaughter, or Felony, ſhall put in writing within two dayes after the ſaid Examination. And the ſame ſhall certifie in ſuch manner & forme, and at ſuch time, as he, or they, ſhould & ought to doe, if ſuch Priſoner or Priſoners ſo cõmitted or ſent to Ward, were baileable, or had been bailed, or let to mainprize, vpon ſuch paine, as in this Act is aboue limited and appointed, for not taking, or not certifying of Examinations.

And bee it further enacted by the authority aforeſaid, That the ſaid Juſtice or Juſtices, ſhall haue authority by this Act, to binde all ſuch by Recognizance, or Obligation, as doe declare any thing materiall to proue the ſaid Treaſon, Murder, Man-ſlaughter, or Felony, againſt ſuch Priſoner or Priſoners as ſhalbe ſo committed to Ward, to appeare at the nert generall Gaole-deliuery, to be holden within the Countie, Citty, or Towne Corporate, where the tryall of the ſaid Treaſon, Murder, Man-ſlaugh-

ter,

ter or Felony ſhalbe, then & there to giue euidence againſt the partie. And that the ſaid Juſtice or Juſtices, ſhall certifie the ſaid Bonds taken before him or them, in like manner as they ſhould & ought to certifie the Bonds where the Priſoner is baileable, and let to baile or mainprize, vpon ſuch paine, as in this Statute is formerly mentioned, for not certifying ſuch Bonds concerning ſuch Priſoners as ſhalbe let to baile or mainprize, as aforeſaid.

CAP. XIX.

An Act for the tryall of Murders and Felonies committed in ſeverall Counties &c.

FOraſmuch as the moſt neceſſary office & dutie of lawes, is to preſerue & ſaue the life of Man, & condignely to puniſh ſuch perſons that vnlawfully or wilfully murther, ſlay or deſtroy men: And alſo that another office and duty of Law, is to puniſh Robbers & Theeues, which daylie endeauour themſelues to robbe & ſteale, or giue aſſiſtance to the ſame, and yet by craft & cautile, doe eſcape frō the ſame without puniſhment. And where it often happeneth and commeth in vre in ſundry Counties of this Realme, that a Man is felonioully ſtrucken in one Countie, and after dyeth in another Countie: In which caſe, and diuers other caſes of that nature, it hath not beene found by the Lawes & cuſtomes of this Realme, that any ſufficient indictment thereof can bee taken in any of the ſaid two Counties, for that by the cuſtomes of this Realme, the Jurors of the Countie where ſuch party dyed of ſuch ſtroke, can take no knowledge of the ſaid ſtroke, being in a forrein Countie, although the ſame two Counties & places adioyne very neere together, nor the Jurors of the Countie where the ſtroke was giuen, cannot take knowledge of the death in any other Countie, although ſuch death moſt apparantly came of the ſame ſtroke: So that the Kings Maieſtie within his owne Realme, cannot by any Lawes, yet made or knowne, puniſh ſuch Murderers or Mankillers, for offences in this forme committed and done, nor any appeale at ſome time may lye for the ſame, but doth alſo faile, and the ſaid Murderers and Mankillers eſcape thereof without puniſhment, aſwell in Caſes where the Counties where ſuch offences be committed and done, may ioyne, or otherwiſe where they may not ioyne. And alſo it is a common practiſe among arrant Theeues and Robbers in this Realme, that after they haue robbed or ſtollen in one Countie, they will conuey their ſpoyle, or part thereof, ſo robbed and ſtollen, vnto ſome of their adherents, in ſome other Countie where the principall offence was not committed or done, who knowing of ſuch felonie, willingly, and by falſe couin, receiue the ſame: in which caſe, although the principall felon bee attainted

tainted in the one Countie, the Accessary escapeth by reason that he was Accessary in another Countie, and that the Jurors of the said other Countie, by any law yet made, can take no knowledge of the principall Felonie nor Attainder in the first Countie, and so such Accessaries escape thereof vnpunished, and doe often put in vre the same, knowing that they may escape without punishment. For redresse and punishment of which offences, and other offences of like nature, and safe-guard of mans life, Bee it enacted by authority of this present Parliament, That where any person or persons hereafter, shalbe traiterously or feloniously stricken, poysoned, or bewitched in one Countie, and dye of the same stroke, poysoning, or bewitching, in any other Countie within this Kingdome, or in any other part or place out of this Kingdome: Or where any person or persons hereafter shalbe traiterously or feloniously stricken, poysoned, or bewitched, in any part or place out of this Kingdome, and dye of the same stroke, poysoning, or bewitching, in any Countie within this Kingdome; That the an Indictment thereof, found by Jurors of the Countie where the death shall happen (if in case the same death happen to be within any Countie within this Kingdome, whether it shalbe found by the Coroner vpon the sight of such dead bodie, or before the Justices of Peace, or other Justice or Justices, Commissioner or Commissioners, which shall haue authority to inquire of any Treasons, Murders, or Man-slaughters) shalbe as good & effectuall in the Law, as if the stroke, poysoning, or witch-craft had beene giuen, committed, or done in the same Countie where the party shall dye, or where such Indictment shalbe so found. And in case such death shall happen to be in any other part or place out of this Realme, That then an Indictment thereof, found by Jurors of the Countie, where any such stroke, poysoning, or witchcraft shalbe giuen, committed or done before the Justices of the Peace, or other Justice or Justices, Commissioner or Commissioners, which shall haue authority to inquire of any Murders or Man-slaughters, and the tryall and Judgment thereupon had & giuen, shalbe as good and effectuall in the Law, to all intents, constructions and purposes, as if the same death had happened in the same Countie where such stroke, poysoning and witchcraft was giuen, committed or done, any Law, or vsage to the contrary notwithstanding. And that the Justice or Justices of Gaole-deliuery, Oyer and Determiner in the same Countie where such Indictment at any time hereafter shall be taken, and also the Justices of the Kings Bench, after such Indictment shalbe remoued before them, shall and may proceed vpon the same, in all points, as they should or ought to doe, in case such felonious stroke and death thereby ensuing, or poysoning & death thereof ensuing, or bewitching and death thereof ensuing, had growne all in one and the same Countie. And that such party to whom appeale of Murder or Man-slaughter shalbe giuen by the

Law, may cõmence, take & sue appeale of Murder or Man-slaughter in the same Countie, where the party so feloniously stricken, poysoned, or bewitched, shall dye: in case he dye within any Countie within this Realme, and in case such death happen out of this Kingdome, then in such Countie where such stroke, poysoning, or witchcraft, was committed or done. And that in both cases aswell against the principall & principalls, as against euery Accessary to the same offences, in whatsoeuer County or place within the Kings Dominions, the Accessary or Accessaryes, shalbe guilty to the same. And further, the Justice or Justices before whom any such appeale shalbe commenced, sued or taken, within the yeare & day after such Murder or Man-slaughter committed & done, shall proceede against all & euery such Accessary and Accessaries in the same Countie where such appeale shalbe so taken, in like manner & forme, as if the same offence or offences of Accessary or Accessaryes had beene committed and done in the same County where such appeale shall be so taken, aswell concerning the tryall by the Jurors or twelve men of such Countie where such appeale or appeales shalbe hereafter taken vpon the plea of not guilty, pleaded by such Offendor or Offendors, as otherwise.

And further bee it enacted by the authority aforesaid, That where any Murder or Felony hereafter shalbe committed & done in one Countie, and another person or moe shalbe Accessary or Accessaryes in any manner of wise to any such Murder, or Felonie, in another Countie within this Realme, or in any other part or place out of this Realme, That then an Indictment found or taken against any such Accessary or Accessaryes vpon the circumstance of such matter before the Justices of the peace, or other Justice or Justices, Commissioner or Commissioners, to inquire of Felonies in the Countie where such offences of Accessary or Accessaryes in any manner of wise shalbe committed or done, in case the said offences, of Accessary or Accessaryes be committed or done in any Countie within this Realme, shalbe as good & effectuall in the Law, as if the said principall offence had beene committed or done within the same Countie where the same Indictment against such Accessary, shalbe found. And that the Justice or Justices of Gaole-deliuery, or Oyer and Determiner, or two of them, of or in such Countie where the offence of any such Accessary shall bee hereafter committed and done, vpon suit to them made, shall write to the Custos Rotulorum, Clearke of the Crowne, or other Keepers of the Records, where such principall shalbe hereafter attainted or convict, to certifie them whether such principall bee attainted, convicted or otherwise discharged of such principall Felonie, who vpon such writing to them or any of them directed, shall make sufficient certificate in writing vnder their seale or seales, to the said Justice or Justices, Commissioner or Commissioners, whether such principall be attainted, convicted, or otherwise discharged,

charged, or not. And after that they that so shall haue the custody of such Records, doe certifie, that such principall is attainted, conuicted, or otherwise discharged of such offence by the Law. That then the Justice or Justices of Gaole-deliuery, or of Oyer & Terminer, or other there authorized, shall proceed vpon euery such Accessary in the County where such Accessary or Accessaries became Accessary, in such manner and forme, as if both the same principall offence and Accessary had beene committed and done in the same County, where the offence of Accessary was, or shalbe committed or done: And in case that such offence of Accessary or Accessaries shall happen to be cõmitted or done in any place out of this Kingdome: That then an Indictment found or taken against such Accessaries, or Accessary, vpon the circumstance of such matter, before the Justices of the Peace, or other Justice or Justices, Commissioner or Commissioners, to inquire of any Treasons, Murders, Man-slaughters, or other Felonies, in such Countie where the principall Offendor shall or may receiue his tryall by force of this Act of Parliament, shalbe as good & effectuall in the Law, to all intents, constructions & purposes, as if the said offences of Accessary had beene committed or done in the same County where the same Indictment against such Accessarie shall bee found: Any Law, vsage, custome, or other thing to the contrary notwithstanding.

And bee it further enacted by the authority aforesaid, that euery Accessary and other Offendor aboue expressed, shall answer vpon their arraignments, and receiue such tryall, iudgment, order & execution, and suffer such forfeitures, paines and penalties, as is vsed in other cases of Treason, Murder, Man-slaughter, or other Felonies: Any law or custome to the contrary thereof heretofore vsed in any wise notwithstanding.

CAP. XX.

An Act for the punishment of the Vice of Buggery.

FOrasmuch as there is not yet sufficient and condigne punishment appointed and limited by the due course of the Lawes of this Realme, for the detestable and abhominable Vice of Buggery, committed with Mankinde, or Beast: It may therefore please the Kings Highnes, with the assent of his Lords Spirituall and Temporall, and the Commons of this present Parliament assembled, That it may be enacted, and Bee it enacted by the authority of the same, That the same offence bee from henceforth adiudged Felonie, and such order and forme of Processe therein to bee

vſed againſt the offendors, as in Caſes of Felonie at the Common Law: And that the offendors being hereof conuicted by verdict, confeſſion, or out-lawrie, ſhall ſuffer ſuch paines of death, and loſſes, and penalties of their goods, chattells, debts, lands, tenemẽts, and hereditaments, as Felons be accuſtomed to doe, according to the order of the Common Lawes of this Realme: And that no perſon offending in any ſuch offence, ſhall bee admitted to his Clergie. And that Juſtices of peace ſhall haue power and authority within the limits of their Commiſſions and Iuriſdiction, to inquire of the ſaid offence, as they doe vſe to doe, in caſes of other Felonies.

CAP. XXI.

An Act for the reſtrayning all perſons from Marriage, untill their former Wives and former Husbands bee dead.

FOraſmuch as diuers euill-diſpoſed perſons, being married, run out of other of his Maieſties Realmes or Dominions, into this Realme of Ireland, or out of one Countie into another, within the ſaid Realme of Ireland, or into places where they are not knowne, and there become to be marryed, hauing another husband or wife liuing, to the great diſhonour of God, and vtter vndoing of diuers honeſt mens children, and others.

Bee it therefore enacted by the Kings Maieſty, with the conſent of the Lords Spirituall & Temporall, and of the Commons in this preſent Parliament aſſembled, That if any perſon or perſons being marryed, or which hereafter ſhall marry, doe at any time after the end of the Seſſion of this preſent Parliament, marry any perſon or perſons, the former Husband or Wife being aliue, That then euery ſuch offence ſhall be Fellonie, and the perſon & perſons ſo offending, ſhall ſuffer death as in caſes of Fellonie. And the partie & parties ſo offending, ſhall receiue ſuch & the like proceeding, tryall and execution in ſuch County where ſuch perſon or perſons ſhalbe apprehended, as if the offence had beene committed wholly within this Realme, and in ſuch Countie where ſuch perſon or perſons ſhalbe apprehended.

Prouided alwayes, that this Act, nor any thing therein contayned, ſhall extend to any perſon or perſons, whoſe Husband or Wife ſhalbe continually remayning beyond the Seas by the ſpace of ſeuen yeares together, or whoſe Husband or Wife ſhall abſent him or her ſelfe the one from the other, by the ſpace of ſeuen yeares together, in any part within his Maieſties Dominions, the one of them not knowing the other to be liuing within that time.

Prouided

Prouided also, and be it enacted by the authority aforesaid, that this Act, nor any thing herein contayned, shall extend to any person or persons that are, or shalbe, at the time of such Marriage diuorced, by any sentence, had, or hereafter to be had in the Ecclesiasticall Court, or to any person or persons where the former Marriage hath beene, or hereafter shalbe by sentence in the Ecclesiasticall Court declared to be voyde, and of no effect, nor to any person or persons, for, or by reason of any former Marriage, had or made, or hereafter to be had or made, within age of consent.

Prouided also, that no Attainder for this offence made Felonie by this Act, shall make or worke any corruption of Blood, losse of Dower, or disinherison of heire or heires.

CAP. XXII.

An Act against Vsurie.

FOr the avoyding of excessiue Vsurie heretofore commonly vsed in this Kingdome: Bee it enacted by the Kings most excellent Maiestie, the Lords Spirituall and Temporall, and the Commons in this present Parliament assembled, That no person or persons whatsoeuer, from and after the first day of May next ensuing, vpon any contract to be made after the said first day of May, shall take directly or indirectly for loane of any Moneyes, Wares, Merchandize, or other commodities whatsoeuer, aboue the value of Ten pounds for the forbearance of one Hundred pounds for a yeare, and so after that rate for a greater or lesser summe, or for a longer or shorter time: And that all Bonds, Contracts and Assurances whatsoeuer, made after the time aforesaid, for payment of any principall, or money to be lent, or couenanted to be performed vpon, or for any Vsury, whereupon or whereby there shalbe reserued or taken aboue the rate of Ten pounds in the Hundred, as aforesaid, shalbe vtterly voide. And that all & euery person & persons whatsoeuer, which shall after the time aforesaid, vpon any Contract to be made, take, accept & receiue, by way or meanes of any corrupt Bargaine, Loane, Exchange, Cheuisance, shift or Interest of any Wares, Merchandize, or other things whatsoeuer, by any deceiptfull way or meanes, or by any couin, engine, or deceiptfull conveyance, for the forbearing or giuing day of payment for one whole yeare, of, and for their Money, or other thing, aboue the summe of Ten pounds, for the forbearing of one Hundred pounds for a yeare, and so after that rate for a lesse or greater summe, or for a longer or shorter time, shall forfeit & lose for euery such offence, the treble value of the Moneys, Wares, Merchandize, & other things so lent, bargained, sold, exchanged or shifted.

And bee it further enacted by the authority aforesaid, That all & euery Scriuenor & Scriuenors, Broker & Brokers, Sollicitor and Sollicitors, Driuer & Driuers of bargaines for Contracts, who shall after the said first day of May next ensuing, take or receiue, directly or indirectly, any summe or summes of money, or other reward, or thing, for Brokage, Soliciting, Driuing, or procuring the loane or forbearing of any summe or summes of money ouer and aboue the rate or value of five shillings, for the loane or forbearing of an hundred pounds for a yeare, and so rateably: Or aboue twelve pence for making or renewing of the Bond or Bill for the loane or forbearing thereof, or for any Counter-bond or Bill concerning the same, shall forfeit for euery such offence, twenty pounds, and haue imprisonment for halfe a yeare, The one moytie of all which forfeitures to be to our Soueraigne Lord the Kings Maiesty, his Heires and Successors: And the other moytie to him or them that shall sue for the same in the same Countie where the seuerall offences are committed, and not else-where, by action of debt, bill, plaint, or information: in which, no Essoyne, wager of Law, or protection to be allowed.

Prouided, that no words in this Law contained, shalbe construed or expounded to allow the practise of Usurie in point of Religion or Conscience. Bee it further enacted by the authority aforesaid, that one Statute made in a Parliament holden at Westminster in the third yeare of the reigne of the late King Henry the seuenth of famous memory, and all other Statutes concerning Usury, of force in this Kingdome, before the making of this Act, are, and by vertue of this Act shall be from henceforth repealed, avoyded and of none effect.

CAP. XXIII.

An Act to avoyde and prevent diverse misdemeanors in idle and lewd persons in barking of Trees &c.

FOrasmuch as vnlawfull cutting and taking away of Corne & Graine growing, robbing of Orchards and Gardens, digging vp, or taking away of Fruite trees, breaking of Hedges, Pales, or other Fences, cutting or spoiling of Woods or vnder-woods standing and growing, Barking of growing Trees, and such like offences, are now more committed by lewd & meane persons, then in former times, and that the said offences are great causes of the maintaining of Idlenesse, and the persons which commit the same, are not for the most part able, nor haue wherewith to make recompence or satisfaction,

Bee

Bee it therefore enacted by the authority of this present Parliament, That all & euery such lewd person & persons, which frō & after the first day of May now next following, shall cut, or vnlawfully take away any Corne or Graine growing, or robbe any Orchards or Gardens, or breake or cut any Hedge, Pales, Raile or Fence, or dig, pull vp, or take vp any fruite tree or trees in any Orchard, Garden, or elsewhere, to the intent to take and carry the same away, or shall barke any tree or trees that are growing, or shall cut or spoyle any woods or vnder-woods, Poles, or trees standing, not being Felony by the Lawes of this Realme, and their procurer or procurers, receiuer or receiuers, knowing the same, being therof lawfully conuicted by the confession of the party, or by the testimony of one sufficient witnesse vpon oath, before some one Iustice of Peace, Mayor, Bayliffe, or other head Officer, which shall haue power by force of this Statute, to minister the said oath (where the offence shalbe committed, or the party offending apprehended) shall giue the party and parties such recompence & satisfaction for his & their damages, and within such time as by any such one Iustice of Peace of the said Countie, where such offence shalbe done, without the liberty of any Citty or Towne Corporate, or by such head Officer or Iustice of Peace within any Citty or Towne Corporate, shalbe ordered & appointed. And if such Offendor or Offendors shalbe thought in the discretion of the said Iustice or Iustices, or other head Officer, not able or sufficient, or doe not make recompence or satisfaction for the said damages, in manner & forme aforesaid, then the said Iustice or head Officer, shall commit all & euery the said Offendor or Offendors, to some Constable or Constables, or other inferiour Officers of the Citty, Burrough, Towne or Hamlet where the offence shalbe committed, or the party apprehended, to be whipped, & for euery such offence, for, or of which, the Offendor or Offendors shalbe eft-soones conuicted in forme aboue limited, the person and persons so offending, to receiue the said punishment of whipping.

And bee it enacted by the authority aforesaid, that if any Constable or inferiour Officer doe refuse, or doe not at the commandement of any Iustice of Peace, or other head Officer, execute by himselfe, or by some other to be by him appointed, vpon the Offendor, the punishment limited by this Statute: That in that case it shall & may be lawfull for the said Iustice of Peace, to commit the Constable or other inferiour Officer so refusing, or not executing the said punishment by himselfe, or some other, to the Common Gaole of the said Countie, Citty, or Towne Corporate, there to remaine without baile or mainprise, vntill the said Offendor or Offendors be by the said Constable or Constables so refusing, or not executing, or some other by his or their procurement, punished and whipped, as is aboue limited and deliuered.

Prouided alwayes, that no Iustice of Peace, or other head Offi-

Officer, doe execute this Statute, for any of the offences aforesaid, done vnto himselfe.

CAP. XXIV.

¶ An Act for the better preservation of Fishing in the Counties of Dublin, Wicklow, Wexford, Waterford, Cork, Kerry, Clare, Gallway, Mayo, Sligo, and all other Counties and places within the Realme of Ireland, and the Dominions thereof adjoyning to the Sea Coast, and for the relieſe of Balkors, Condors, and Fisher-men, against malicious suites.

WHereas the Trade of Fishing for Herrings, Pilchards, and Seane-fish, within the Counties of Dublin, Wicklow, Wexford, Waterford, Corke, Kerry, Clare, Gallway, Mayo, Sligo, and of other Counties and places within the said Realme of Ireland, and the Dominions thereof adioyning to the Sea coast, is, and of late time hath beene very great and profitable, aswell to diuers of the Fishermen, as other his Maiesties Subiects within this Realme of Ireland, and the Dominions thereof. And whereas also for the necessary vse of the taking of the said Herrings, Pilchards, and other Seane-fish, diuers persons within the said Counties, called Balkors, Huors, Condors, Directors or Guidors at the Fishing-time, for the said Herrings, Pilchards, and other Seane-Fish within the said Counties & places, time out of mind, haue vsed to watch & attend vpon the high hills and grounds neere adioyning to the Sea coasts within the said Counties & places, for the discouery and giuing notice to the Fisher-men & Inhabitants neere adioyning, when the said Herrings, Pilchards, or Seane-Fish, come towards or neere the Sea coasts there, and for the guiding and directing of the Fisher-men in their Boates vpon the Sea coasts, for the taking of the said Herrings, Pilchards, and other Seane-Fish. And whereas also now of late, diuers persons hauing lands, tenements & hereditaments neere adioyning to the Sea coasts within the said Counties, or other places where the said fishing-places, for the taking of the said Herrings, Pilchards & other Seane-fish are, haue threatned to bring their actions of trespasse at the Cõmon Law, or other suits, aswell in the high Courts of Record at Dublin, as in inferiour Courts within the said Counties, not onely against such Balkors, Huors, Condors, Directors & Guidors, but also against such Fisher-men & other persons for breaking of their Close, as haue attended their Seanes or nets, for the drawing & carying of the said fish on land or shoare,

ſhoare, By reaſon whereof, ſuch Watch-men, Balkers, Huoꝛs, Londoꝛs, Directoꝛs & Guidoꝛs, and ſuch other perſons as heretofoꝛe haue attended the ſaid Seanes & Fiſhings, haue foꝛboꝛne to enter into, oꝛ goe vpon the lands, tenements & hereditaments, neere adioyning to ſuch Fiſhing-places within the ſaid Counties and places, foꝛ the watching oꝛ diſcouery of the ſaid Herrings, Pilchards, and other Seane-fiſh, oꝛ to balke, hue, cond, oꝛ direct, oꝛ to attend the Seanes oꝛ Nets, as heretofoꝛe they haue done, and will likewiſe foꝛbeare the ſame hereafter, if pꝛouiſion be not had & made, that they may lawfully enter into & vpon ſuch lands, tenements & hereditaments, as doe lye neere oꝛ adioyning to the ſaid Sea-coaſts & places of Fiſhing, as afoꝛeſaid, foꝛ their watching, balking, directing and attending of the Seanes, as is afoꝛeſaid.

Foꝛ remedy whereof, and foꝛ the maintenance of the ſaid Trade of Fiſhing, which doth ſo greatly tend to the pꝛofit of many of the Inhabitants within the ſaid Counties, and others, Bee it thereꝛoꝛe enacted and declared by our Soueraigne Loꝛd the King, the Loꝛds Spirituall & Tempoꝛall, and the Cõmons in this preſent Parliament aſſembled, That it is, ſhall and may be lawfull at all times hereafter, to & foꝛ euery ſuch Watch-men, Balkers, Huoꝛs, Londoꝛs, Directoꝛs & Guidoꝛs, and all ſuch Fiſher-men & other perſons as ſhall neceſſarily attend the ſaid Seanes oꝛ Nets, as afoꝛeſaid, at the times of fiſhing foꝛ Herrings, Pilchards, & other Seane-fiſh, within the ſaid Counties & places where ſuch Fiſh ſhalbe hereafter taken; to enter & goe into, and vpon any lands, tenements and hereditaments which doe lye oꝛ adioyne neere vnto any ſuch Fiſhing-places, fit, conuenient & neceſſary to watch & balk in, oꝛ to dꝛaw oꝛ carry the ſaid Fiſh on ſhoare, and there to watch foꝛ the ſaid Fiſh, and to balke, hue, conde, direct & guide the ſaid Fiſher-men which ſhalbe vpon the ſaid Sea & Sea-coaſts, foꝛ the taking of the ſaid Fiſh, and to dꝛaw and carry the ſaid Fiſh, on land, oꝛ ſhoare: Any law, pꝛage, oꝛ cuſtome to the contrary in any wiſe notwithſtanding.

And bee it further enacted by the authoꝛity afoꝛeſaid, that if any action of treſpaſſe, oꝛ other ſuite, ſhall at any time hereafter happen to be attempted and bꝛought againſt any perſon oꝛ pꝛſons, foꝛ entring oꝛ going on the lands, foꝛ watching of the ſaid Fiſh, oꝛ foꝛ balking, buying, conding, directing oꝛ guiding of the ſaid Fiſher-men in their Boates vpon Sea oꝛ Sea-coaſt, foꝛ taking of the ſaid Fiſh, oꝛ foꝛ landing of the ſaid Fiſh, as afoꝛeſaid, by authoꝛity of this pꝛeſent Act, the Defendant and Defendants in any ſuch action oꝛ ſuite, ſhall and may, pleade not guilty, foꝛ any thing doing, by vertue of this Act, and vpon the tꝛyall of that iſſue, the whole matter to be giuen on both parties in euidence, accoꝛding to the very truth of the ſame, and after ſuch iſſue tꝛyed foꝛ the Defendant oꝛ Defendants, oꝛ non-ſuite of the Plaintiffe oꝛ Plaintiffs after appearãce, the ſame defendãt oꝛ defendants to recouer his oꝛ

their damages, by reason of his or their wrongfull veration in that behalfe, with costs also in that behalf sustayned, and that to be assessed by the same Jury, that shall try the said issue, or else by Writ to enquire of damages, as the case shall require, for which costs and damages, such Defendant shall and may by vertue of this Act, take and sue forth such execution, as the Defendant in a Replevin may doe.

CAP. XXV.

An Act for the impounding of Distresses.

FOr the anoyding of grievous verations, exactions, troubles, and disorder in taking of Distresses, and impounding of Cattell: Bee it enacted by authority of this present Parliament, That from and after the first day of May next ensuing, no distresse of Cattell shall be driven out of the Hundred or Barony, where such Distresse is or shalbe taken, except it be to a Pound ouert, within the said Shire, not above three miles distãt from the place, where the said Distresse is taken; And that no Cattell, or other goods distreined or taken by way of distresse for any manner of cause, at one time, shalbe impounded in severall places, whereby the Owner, or Owners of such Distresse shall be constrained to sue severall Replevins for the delivery of the said Distresse so taken at one time, upon paine every person offending contrary to this Act, shall forfeit to the party grieved for every such offence, an hundred shillings, and treble damages.

And be it further enacted by the authority aforesaid, that after the said first day of May, no person or persons shall take for keeping in Pound, impounding, or poundage of any manner of Distresse above the summe of Foure pence sterling for any whole Distresse that shall be so impounded, And where lesse hath beene used, there to take lesse, upon paine of five pounds to be payd to the party grieved, over and besides such moneys as he shall take above the summe of foure pence: Any usage, or prescription to the contrary in any wise not withstanding.

And for the more speedy delivery of Cattell taken by way of Distresse, It is further enacted by the said authoritie, That every Sheriffe of Shires, being no Cities nor townes made Shires, shall at his first County day, or within two Moneths next after he hath received his Patent of his Office of Sherifwicke, depute, appoint, and proclayme in the Shire-towne within his Bayliffe-wicke, foure Deputies at the least, dwelling not above twelve miles the one distant from the other, which said Deputies so appointed and proclaymed, and every of them, shall have authority in the

the Sheriffes name, to make Replevins & Deliuerance of ſuch diſtreſſes, in ſuch manner & forme as the Sheriffes may or ought to doe, vpō paine, that euery Sheriffe, for euery moneth that he ſhall lacke ſuch Deputie or Deputies, ſhall forfeit for euery ſuch offence five pounds, The one moytie of which forfeitures ſhall bee to the Kings Highnes, his Heires & Succeſſors, The other halfe to him that will ſue for the ſame, by bill, plaint, information, or action of debt in any the Kings Courts of Record, in which, no eſſoyne, protection, nor wager of Law ſhalbe admitted.

CAP. XXVI.

An Act concerning the repayring and amending of Bridges, Cauſeyes, and Toghers in the High-wayes.

BE it enacted by the King our Soueraigne Lord, & the Lords Spirituall and Temporall, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That aſwell the Juſtices of Aſſize in their ſeuerall Circuites, As alſo the Juſtices of Peace in euery Shire of this Realme, Franchiſe, Citty or Burrough, ſhall haue power and authority to enquire, heare and determine publiquely in the Generall Aſſizes or Seſſions of the Peace reſpectiuely, of all manner of annoyances of Bridges, Cauſeyes, and Toghers, broken or decayed in the high wayes, to the damage of the Kings Liege people: And alſo of and concerning the new building, erecting & making of new Bridges, Cauſeyes, or Toghers, in other places fit and neceſſary for the ſame, and to make ſuch proceſſe and peines vpon euery preſentment afore them reſpectiuely, for the reformation of the ſame, againſt ſuch as ought to be charged for the making or amending of ſuch Bridges, Cauſeyes, and Toghers, as the Kings Juſtices of his Bench vſe commonly to doe, or as it ſhall ſeeme by their diſcretions to bee neceſſary & conuenient, for the ſpeedy amendment, erecting & making of ſuch Bridges, Cauſeyes, and Toghers, and euery, or any of them. And where in many parts of this Realme, it cannot bee knowne and proued what County, Barony, Citty, Burrough, Towne or Pariſh, nor what perſon certaine, or Body politique, ought of right to make or repaire ſuch Bridges, Cauſeyes, or Toghers, by reaſon whereof ſuch Bridges, Cauſeyes, and Toghers, for lacke of knowledge of ſuch as ought to make or repaire them, for the moſt part lye without making or repairing, to the great annoyance of the Kings Subiects.

For the remedy thereof, Bee it enacted by the authority aforeſaid, That in euery ſuch caſe, the ſaid Bridges, Cauſeyes & Toghers,

hers, if they be without Citty or Towne corporate, shalbe made by the Inhabitants of the Shire or Barony, within the which, the said Bridges, Causeyes & Toghers shall happen to be in decay, or thought fit to be newly erected or made. And if within any Citty or Towne corporate, which is a Countie of it selfe, then by the Inhabitants of euery such Citty or Towne corporate, wherein such Bridges, Causeyes & Toghers shall happen to be in decay, or thought fit to be newly erected & made. And if within a Towne corporate, which is no Countie, then by the Countie or Barony wherein such Bridges, Causeyes, or Toghers shall happen to be, or thought fit to be newly erected. And if part of any such Bridges, Causeyes & Toghers, or any of them, happen to be in one County, and the other part thereof in another County, that then in euery such case, the Inhabitants of both the said Counties shalbe charged & chargeable to amend, make & repaire such part & portion of such Bridges, Causeyes, and Toghers, or any of them as shall lye and be within the limits of the Shire wherein they be inhabiting and dwelling.

And bee it further enacted, that in euery such case, the said Justices of Assize in their Circuits, and the said Justices of the Peace in the Quarter-Sessions respectiuely, with the assent of the Grand-Jury, shall haue power and authority to tax and set euery Inhabitant in any such County, Barony, Citty, Burrough, Towne, or Parish, within the limits of their Cõmissions and authorities, to such reasonable ayde & summe of money as they shall thinke by their discretions conuenient and sufficient, for the new building, repayring, re-edifying and amendment of such Bridges, Causeyes & Toghers, and after such Taxations made, the said Justices of Assize, and Justices of Peace respectiuely, shall cause the names and summes of euery particular person so by them taxed, to be written in a Rolle Indented, and shall also haue power and authority to make two Collectors of euery Barony, Citty, Burrough, Towne or Parish, for Collection of all such summes of money by them set and taxed, which Collectors receiuing the one part of the said Rolle Indented, vnder the seales of the said Justices, shall haue power and authority to collect & receiue all the particular summes of money therein contayned, and to distraine euery such Inhabitant, as shalbe taxed and refuse payment thereof in his lands, goods & chattells, and to sell such distresse, and of the sale thereof, retaine and perceiue all the money taxed, and the residue (if the distresse be better) to deliuer to the Owner thereof: And that the same Justices of Assize, and Justices of the Peace respectiuely within the limits of their Cõmissions & authorities, shall also haue power and authority to name and appoint two Surueyors which shall see euery such Bridge, Cauley and Togher builded, repayred and amended from time to time, as often as need shall require, to whose hands the said Collectors shall pay

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the ſaid ſummes of money taxed, and by them receiued: And that the Collectors and Surveyors, and euery of them, and their Executors & Adminiſtrators, and the Executors & Adminiſtrators of them & euery of them from time to time, ſhall at the publick Seſſions of the Peace, make a true declaration & accompt to the Juſtices of Peace of the Shire, Citty or Towne corporate, wherein they ſhalbe appointed Collectors or Surveyors, of the Receipts, payments & expences of the ſaid ſummes of money. And if they, or any of them, refuſe that to doe, that then the Juſtices of the Peace from time to time by their diſcretions, ſhall haue power & authority to make proceſſe againſt the ſaid Collectors and Surveyors, and euery of them, their Executors and Adminiſtrators, and the Executors & Adminiſtrators of euery of them, by attachments vnder their Seales, returnable at the generall Seſſions of the Peace; And if they appeare, then to compell them to accompt, as is aforeſaid, or elſe if they, or any of them refuſe that to doe, then to commit ſuch of them as ſhall refuſe, to warde, there to remaine without baile or mainprize, till the ſaid declaration and accompt be truely made.

And bee it further enacted by the authority aforeſaid, That the Juſtices of Aſſize, and Juſtices of the Peace, reſpectiuely, ſhall haue full power and authority to allow ſuch reaſonable coſts and charges to the ſaid Surveyors and Collectors, as by their diſcretions ſhalbe thought conuenient.

Statuta, Ordinationes,

Actus & Proviſiones, in Parliamento prædicto apud Caſtrum *Dublin*, prædicto die Lunæ, viz. viceſimo ſexto die Ianuarij, anno regni dicti Domini Regis CAROLI Decimo, Coram prefato Deputato ſuo ſimiliter tento, & ibidem continuato uſque ad viceſimum primum diem Martij tunc proximè ſequen-

tis,& ibidem prorogato abinde uſque ad viceſimum quartum diem Martij prædicti tunc proximè ſequentis, ædita in hæc verba.

CAP. I.

¶ An Act for maintenance and execution of Pious Vſes.

FOr the advancement of Pious Intentions, and the better execution of Charitable Uſes & Truſts, Bee it enacted by the authoritie of this preſent Parliament, That all Arch-biſhops & Biſhops of this Kingdome, and their Succeſſors for euer, ſhall & may from the time of any grant or eſtate to them, or any of them, and to their or any of their Succeſſors, made or to be made, either by our late Soueraigne Lord King Iames of happy memory, or by the King our Soueraigne Lord that now is, or any of their Heires or Succeſſors, or by any other perſon or perſons, bodies politique & corporate whatſoeuer, of any Manors, lands, tenements, tithes, penſions, profits, or other hereditaments, vnto the vſe, or vpon truſt & confidence vnto, or for the erection, maintenance or ſuppoꝛt of any Colledge, Schoole, Lecture in Diuinity, or in any the Liberall Arts or Sciences, or for the reliefe or maintenance of any manner of poore, ſuccourleſſe, diſtreſſed, or impotent perſons, or for the building, reedifying, or maintaining in repaire of any Church, Colledge, Schoole, or Hoſpitall, or for the maintenance of any Miniſter and Preacher of the holy Word of God, or for the erection, building, maintenance or repaire of any Bridges, Cauſeyes, Cathes, Paces & High-wayes within this Realme, or for any other like lawfull & charitable vſe or vſes, warranted by the Lawes of this Realme, now eſtabliſhed & in force, are & ſhalbe taken & cõſtrued to be good & effectuall in Law, according to the purport & true intent & meaning thereof: And that they the ſaid Arch-Biſhops and Biſhops, and their Succeſſors, and euery of them, ſhall and may be compelled by way of ſub-pena, in the high Court of Chancery, or by petitiõ before the Lord Deputy, and Priby Councell of this Kingdome at the Councell Board, to execute & performe all and euery the ſaid Truſts and Uſes, according to the true intent of the Charters, Deeds & Conueyances to them in that behalfe made, or hereafter to be made, or of any other Deed or Writing, containing or directing the Uſes and intents of ſuch grants or conueyances, reſpectiuely: Any law, cuſtome, or other matter or thing whatſoeuer to the contrary notwithſtanding.

Sauing to all and euery perſon and perſons, bodies politique and corporate, their heires and ſucceſſors, other then the ſaid Donors or Grantors, their heires and ſucceſſors, all ſuch right, title, eſtate, intereſt, entrie, and demaund, of, in, and to the ſaid Manors, lands, tenements and hereditaments, as he or they,

or

or any of them ſhould or might haue had and enioyed, if this Act had neuer been had or made.

CAP. II.

An explanation of a Statute made in a Seſsion of this preſent Parliament, intituled, an Act for confirmation of Letters Patents, hereafter to bee paſſed upon his Maieſties Commiſsion of Grace, for the remedie of defective Titles.

WHere ſome doubt, queſtion, or ambiguitie hath ariſen and growne, or hereafter may ariſe or grow, concerning the validitie of ſuch compoſitions as haue already been made, or hereafter ſhalbe made, or concerning the validitie or true meaning of ſuch Grants, and Letters Patents, as hereafter ſhalbe made or paſſed vpon his Maieſties ſaid Commiſsion of Grace, now eſtabliſht, or other Commiſsions to be eſtabliſht hereafter within this Realme of Ireland, for remedy of Defectiue Titles, for that in ſuch Grants or Letters Patents, mention is to bee made of his Maieſties ſaid Commiſsion, or Commiſsions. And for that his Maieſty (for the greater ſecurity and better ſetling of the eſtates of ſuch of his louing Subiects as haue already, or hereafter ſhall take hold of his ſaid Grace and fauour) hath beene pleaſed to renew the ſaid Commiſsion, and hereafter may be pleaſed for that, or any other cauſe, to renew the ſame againe, and that by ſuch later Commiſsion or Commiſsions, or otherwiſe, the ſaid former Commiſsion or Commiſsions, and the ſaid compoſitions thereupon grounded and made, may bee conceiued to bee reuoked, countermanded, and annulled, or that ſuch Commiſsion or Commiſsions may proue defectiue, vncertaine, or not to extend to giue full power and authority vnto the Commiſsioners thereby authorized, or to bee authorized to make ſuch compoſitions or Grants, or to paſſe ſuch Letters Patents, whereby the ſaid Grants or Letters Patents in ſtrictneſſe of Law, may likewiſe proue defectiue or ſubiect to queſtion and diſpute: And for that hereafter ſome doubts and queſtions may be inuented, and raiſed againſt ſuch Grants and Letters Patents, eyther for not inrolling or recording of the ſaid Commiſsion or Commiſsions, or the Letter or Letters whereupon the ſaid Commiſsion or Commiſsions are or ſhall be grounded, or by reaſon that the ſaid Commiſsion or Commiſsions, or Letter or Letters may miſ-carry or be loſt, or for miſ-naming, miſ-recitall, or not naming, or not recitall of ſuch Caſtles, Honors, Manors, Lands, Tenements, or Hereditaments, as in the ſaid Letters-Patents ſhalbe granted or aſſured, or mentioned to be granted

ted or assured, or any part thereof, or for lacke of finding of Offices or Inquisitions, or of good Offices or Inquisitions, whereby the Title of the Crowne ought to haue been found before the making of such Grants or Letters Patents, or for lacke or omission of sufficient & speciall Non obstantes of particular Statutes, whereby the said Letters Patents or Grants, may be impeached, or for mis-recitall or not recitall of Leases thereof, or of some part thereof, made or mentioned to be made, aswell of Record, as not of Record, or for lacke of the certainty, mis-casting, rating, or setting forth of the true yearly values and rates of such Castles, Honors, Manors, Lands, Tenements or Hereditaments, or of some part thereof, or of the yearly Rents reserued, of and for the premisses or some part thereof mentioned, or contained in such Grants, or Letters Patents, or for apportioning, or diuiding the said rents, or the tenures of any of the premisses, or for that the premisses or some part thereof shalbe valued at a greater or lesse value in such Grants or Letters patents then the said Castles, Honors, Manors, Lands, Tenements, or Hereditaments in truth are, or shall be in yearely value, or for mis-naming of the Townes, Villages, Hamlets, Places, Parishes, Baronyes, Hundreds, Territories or Counties, where the same or any part thereof shall lye, or for lacke of the true naming of the natures, kinds, sorts, qualities, or quantities of such Castles, Honors, Manors, Lands, Tenements and Hereditaments, or of any part thereof, or for lacke of the true naming of the Corporations, or such Bodies politique or corporate, aswell Spirituall as Temporall, vnto whom such Grants or Letters Patents shall be passed or mentioned to be passed, or for any other defect whatsoeuer,

For remedy whereof, and to the end that such of his Highnesse faithfull and louing Subiects, as eyther already haue, or hereafter shall make their compositions, may partake of his Maiesties said grace offered vnto them, and may receiue the full benefit thereof according to his Maiesties Royall and gracious intention and bounty, His Maiesty is pleased that it be enacted & declared, And Bee it further enacted, declared & explained by the Kings most excellent Maiestie, the Lords Spirituall & Temporall, and the Cōmons in this present Parliament assembled, and by authoritie of the same, That all such Grants and Letters Patents, and euery of them hereafter to bee passed vnto any person or persons, bodies politique or corporate, aswell spirituall as temporall, their Heires, Successors, Executors, Administrators, or Assignes, respectiuely, of any Castles, Honors, Manors, Lands, Tenements or Hereditaments, aswell spirituall as temporall, of what nature, sort or kind soeuer, by vertue, colour or pretēce of any such Cōmission or Cōmissions of grace, for remedy of Defectiue Titles, so already issued, or hereafter to issue, and all and euery clause, article, sentence, word, matter and thing in such Grants or Letters Patents

tents to be coutained, mentioned or ſpecified, ſhalbe by authority of this preſent Parliament enacted, declared, explained and adiudged to be good, ſufficient & effectuall in Law, to all intents, cõſtructions & purpoſes againſt his Maieſty, his Heires & Succeſſors, according to ſuch eſtate or eſtates, and in ſuch manner and forme, as in the ſaid Grants or Letters Patents ſhalbe mentioned & expreſſed, as if the ſaid Grants or Letters Patents, and euery of them were confirmed, made good & eſtabliſht by authoritie of this preſent Parliament, notwithſtanding any of the defects, cauſes or matters aforе-mentioned, or any other defect or cauſe whatſoeuer. And that all & ſingular ſuch Grants & Letters Patents, and euery clauſe, article, ſentence & word therein to be contained or ſpecified, ſhalbe alwayes taken, conſtrued & expounded moſt liberally & beneficially, for the beſt advantage, benefit & availe of ſuch Patentees, their heires, ſucceſſors, executors, adminiſtrators and aſſignes, reſpectiuely, againſt his Highneſſe, his Heires, and Succeſſors for euer.

And bee it further enacted & declared by the authority aforeſaid, That all ſuch Grants and Letters Patents, and euery of them, ſhall inure, and ſhalbe conſtrued and expounded to inure by way of grant, confirmation, releaſe, or other aſſurances from his Maieſty, his Heires and Succeſſors, of all his title, right, intereſt, eſtate, poſſeſſion, remainder, and reverſion, of & in all and ſingular ſuch Caſtles, Honors, Manors, Lands, Tenements and Hereditaments, as in ſuch Letters Patents ſhalbe granted, confirmed, releaſed, or aſſured, or mentioned to be granted, confirmed, releaſed, or aſſured vnto ſuch Patentees, their heires, ſucceſſors, executors, adminiſtrators, and aſſignes, reſpectiuely, according to ſuch eſtate or eſtates, and in ſuch manner and forme, as thereby or therein ſhalbe mentioned to be paſſed, as ſhalbe moſt behoofefull & beneficiall for the ſaid Patentees, their heires, ſucceſſors, executors, adminiſtrators & aſſignes, and euery of them, reſpectiuely; and that the ſaid Patentees, their heires, ſucceſſors, executors, adminiſtrators and aſſignes, and euery of them, ſhall and may, haue, hold, poſſeſſe and enioy all & ſingular ſuch Caſtles, Honors, Manors, Lands, Tenements and Hereditaments, in or by ſuch Letters Patents granted, or aſſured, or mentioned to bee granted or aſſured, as aforeſaid, againſt his Maieſty, his Heires and Succeſſors for euer.

And bee it further enacted and declared by the authority aforeſaid, That vpon ſhewing of a clauſe of exoneration, to be contayned or mentioned in ſuch Grants or Letters Patents, or the inrollment thereof to be paſſed vpon ſuch Commiſſion or Commiſſions, for remedy of Defectiue Titles, as aforeſaid, in his Maieſties Court of Exchequer, the ſaid Patentees, their heires, ſucceſſors, executors, adminiſtrators & aſſignes, and euery of them, ſhalbe freely acquitted, cleared, exonerated & diſcharged for euer,

againſt his Maieſtie, his Heires & Succeſſors, of and from all former rents, reſeruations, ſeruices, couenants, conditions, limitations, duties & demaunds whatſoeuer, out of any ſuch Caſtles, Honors, Manors, Lands, Tenements, & Hereditaments, other then ſuch fines, rents, reſeruations, ſeruices, couenants, conditions, limitations, duties & demands, as in, or by ſuch Letters Patents ſo to be paſſed vpon the ſaid Commiſſion or Commiſſions of Defectiue Titles, ſhalbe reſerued, limited, mentioned & expreſſed. And that all other former rents, reſeruatiõs, ſeruices, couenants, conditions, limitations, duties and demands, reſerued vpon, or out of any ſuch Caſtles, Honors, Manors, Lands, Tenements, or Hereditaments, or which are limited, or mentioned in, or by any other Letters Patents, ſhalbe extinguiſhed, and by order of the ſaid Court of Exchequer, ſhalbe put out of charge, as to ſuch Patentees, their Heires, Succeſſors, Executors, Adminiſtrators and Aſſignes, reſpectiuely, without any plea, ſuite, or other charge, other then the ordinary Fees for procuring of ſuch order of diſcharge.

And bee it further enacted & declared by authoritie aforeſaid, That aſwell this preſent Act of explanation, as alſo the ſaid former Act, intituled, An Act for confirmation of Letters Patents, hereafter to be paſſed vpon his Maieſties Commiſſion of Grace, for the remedy of Defectiue Titles, And euery clauſe, article, ſentence and word in them, and euery of them, contained or expreſſed, ſhalbe expounded and conſtrued moſt ſtrong, againſt his Maieſty, his Heires and Succeſſors, and moſt liberally & beneficially, to all intents & purpoſes, for the beſt aduantage, benefit and auayle of ſuch Grantees, or Patentees, their Heires, Succeſſors, Executors, Adminiſtrators, or Aſſignes, reſpectiuely, as ſhall paſſe any Letters Patents vpon ſuch Commiſſion or Commiſſions, for remedy of Defectiue Titles.

CAP. III.

AN Act for ſecuring of the Eſtates of the Vnder-takers, Servitors, Natives, and others, holding Lands, Tenements, or Hereditaments, in all and every the Plantations, made by our late Soueraigne Lady Queene ELIZABETH, or by our late moſt gracious Lord King IAMES, or the Kings moſt excellent Majeſtie that now is, in the ſeuerall Counties, of Waterford, Corke, Limericke, Kerry, Tipperary, Wexford, Wickloe, Kings Countie, Queenes

Queenes Countie, Weſtmeath, Leitrim, Longford, Tyrone, Armagh, Donegall, Fermanagh, Cavan, and London-Derry.

IN moſt humble manner beſeecheth your moſt excellent Maieſty, your moſt louing and faithfull Subiects, the Lords Spirituall & Temporall, and the Commons in this preſent Parliament aſſembled: That whereas for the better gouernment and ſecuritie of this your Kingdome of Ireland, ſundry Plantations haue at ſeuerall times beene made in the ſeuerall Counties of Waterford, Corke, Limericke, Kerry, Tipperary, Wexford, Wicklow, Kings Countie, Queenes Countie, Weſtmeath, Leitrim, Longford, Tyrone, Armagh, Donegall, Fermanagh, Cavan, and London-Derry, grounded aſwell vpon ancient as recent title of your Crowne, declared aſwell by Inquiſitions, as other Records and Euidences. Vpon all which, diuers Patents haue beene paſſed, and thereby very many Vnder-takers, and others of Britiſh birth, and very many of the Natiues of beſt quality & condition, haue beene there planted and ſetled, and ſeuerall lands, tenements, and hereditaments, granted and diſpoſed to Corporations, Forts, Incumbents of Churches, Schooles, and other good vſes, ſome other parcells of the ſaid lands, being onely diſtributed & aſſigned, and not paſſed, by reaſon of Reſtraints for ſome yeares paſt: By occaſion of all which, very many Caſtles, Bawnes, ſtrong houſes, forts, and Townes walled, haue ſince beene built & erected, and innumerable incloſures & improuements made, and alſo ſeuerall Tradeſmen of Britiſh birth, and manufactures, haue beene thither brought & conducted by the Vnder-takers, Seruitors, Natiues and others, to their very great charge and expence, willingly performed to the terror & diſcouragement of all euill diſpoſed perſons, to the vnexpected enriching and ciuilizing of the ſaid ſeuerall Counties and Territories, and to the great ioy and contentment of your Royall Maieſtie, and all good men: Inſomuch as by the great bleſſing of Almighty God vpon your Maieſties moſt gracious and ſucceſſefull gouernment, thoſe places and Countreyes which heretofore haue beene onely diſturbance to all your Maieſties louing Subiects of Ireland, and burthen, loſſe, diſhonour, and expence of the Crowne of England, haue now beene enabled to yeeld and affoord to your moſt excellent Maieſty, as ample and beneficiall an ayde and ſupply to all leuies, and to the now granted Subſidies, as any other proportionable parts of this Kingdome haue done, and for the future, (by the bleſſing of God, and your Maieſties moſt gracious protection and fauours) doe little doubt, but to increaſe in the further accompliſhment thereof. And whereas it hath pleaſed your moſt excellent Maieſtie, by your principall Officers and Miniſters

heere, to make knowne, that for the better encouragement of your said Subiects, to proceede cheerefully in their intended course of planting and ciuilizing the said seuerall planted Countreyes, and settling a good and happy Common-wealth amongst them, your Maiesty would bee graciously pleased to grant vnto your said Subiects, that their estates intended vnto them in the said Plantations, should by all convenient meanes bee secured, and to the end also, that all questions and doubts, raised, or to be raised, for, or concerning your Maiesties Title, or any other Title, to all or any the said Lands, Tenements, or Hereditaments, may be taken away.

May it therefore please your most excellent Maiesty, That it may be enacted, and Bee it enacted by your most Royall Maiesty, the Lords Spirituall and Temporall, and the Commons in this present Parliament assembled, and by authority of the same, That your Maiesty, your Heires & Successors, shalbe rightly, and by good, lawfull & indefesable title & estate in fee simple, deemed & adiudged to be in the actuall, and reall possession, and seizin, in right of your Imperiall Crowne of England and Ireland, of all the Castles, Manors, Lands, Tenements & Hereditaments, lying & being in the said seuerall Counties of Tyrone, Armagh, Donegall, Fermanagh, Cavan, London-Derry, Leytrim, and Longford, and of, and in the seuerall Territories, Precincts & Countreyes, commonly knowne or called by the name or names of Elyo Carroll, alias O Carrolls Countrey, Fercall, alias O Molloyes Countrey; Kilcoursey, alias Fox his Countrey; Delvin-Mac Coghlan, alias Mac Coghlans Countrey in the Kings Countie; Upper-Ossory, alias Mac Gilpatricks Countrey; and Iregan, alias O Doynes Countrey in the Queenes Countie, the Murrowes, Kilhobucke, Clanhenricke, Farrenhammon, Killekeele, alias Mac Vadocks Countrey; Killecooleneline, alias Cooleueleine, alias Mac Morishes Countrey, Kinshelaghes, Mac Damores Countrey, and Brackenagh in the County of Wexford, and Ranelagh, alias Cooleranell in the County of Wickloe: And also of & in the seuerall Townes or Villages, Lands, Tenements & Hereditaments, known, esteemed, or vsually called Plantatiō Lands, in, or neere the Territory or Countrey of Clincolman, alias Omelaghlins Countrey, in the County of Westmeath: And in or neere the Territory or Countrey of Ranelagh, alias Coole Ranell in the County of Wickloe, and in or neere the Territory or Countrey of Farren O Neale, in or neere the County of Wexford. And also of, and in all the Castles, Manors, Lands, Tenements & Hereditaments in the seuerall Counties of Waterford, Corke, Limericke, Kerry, and Tipperary aforesaid, vsually called Plantatiō lands, or heretofore passed, or mentioned to be passed, by Letters Patents to any Brittish Under-taker or Under-takers, respectiuely, as Plantatiō lands, at such time or times, whensoeuer any of the forementi-

mentioned Caſtles, Manors, Lands, Tenements or Hereditaments, ſhalbe within the ſpace of five yeares, next enſuing the end of this preſent Seſſion of Parliament, new paſſed, granted, or confirmed to any perſon or perſons, bodies politique, or corporate, reſpectiuely, by Letters Patents vnder the great Seale of this Kingdome, by warrant of the Lord Deputy for the time being, and Commiſſioners nominated or to be nominated, in or by his Maieſties Commiſſion of Grace, for the remedy of Defectiue Titles, now in being, or hereafter to be, being former Patentees or Proprietors, or reputed Patentees, or reputed Proprietors, or ſuch as by former diſtribution, aſſignation, or appointment, haue taken the profits thereof, their heires or aſſignes, reſpectiuely, and that from & after the new paſſing or ſealing of any ſuch Letters Patents, either to any perſon or perſons, bodies politique or corporate, formerly reputed Grantees, or reputed Proprietors, or ſuch as by diſtribution, aſſignation, or appointment, haue taken the profit thereof, their heires, ſucceſſors, or aſſignes, reſpectiuely, of any of the ſaid Caſtles, Manors, Lands, Tenements, or Hereditamẽts, all & euery ſuch new Grãtee or Grantees, or reputed Grantee or Grantees, their heires, ſucceſſors or aſſignes, reſpectiuely, ſhall & may for euer hereafter, haue, hold, poſſeſſe & enioy all & ſingular the Caſtles, Manors, Lands, Tenements, and Hereditaments, in the ſaid ſeuerall Counties, Territories, Coũtreyes & Townes, which ſhalbe granted, or mentioned to be granted, or confirmed, as aforeſaid, for ſuch and the ſame eſtates, as ſhalbe limited, mentioned, or declared, reſpectiuely, in any the ſaid Letters Patents or Grants to be made, as aforeſaid, aſwell againſt your moſt excellent Maieſty, your Heires and Succeſſors, as againſt all and euery other perſon & perſons whatſoeuer, hauing, claiming, or pretending to haue any right, title, intereſt, rent, ſeruice, or demaund, of, in, or to all, or any the ſaid Caſtles, Manors, Lands, Tenements, or Hereditaments, to them, or any of them, as aforeſaid, to be paſſed, granted, or confirmed, or mentioned to be paſſed, granted or confirmed, as aforeſaid, freed and diſcharged of & from all former rents, arrerages, profits, or meane rates againſt your Maieſty, your Heires and Succeſſors.

Prouided neuertheleſſe, and bee it enacted by authority aforeſaid, that this Act, or any thing therein contayned, ſhall not in any wiſe barre or preiudice the right or title of any Arch biſhop, Biſhop, Deane, Chapter, Arch-deacon, Dignitary, Prebendary, Parſon, Vicar, or other Spirituall or Eccleſiaſticall perſon, to any Manors, Lands, Tenements, or Hereditaments, being the inheritance and poſſeſſion of their reſpectiue Churches or Benefices.

CAP. IV.

¶ An Act for the Naturalization of all the Scottiſh Nation, which were *Ante-nati*, borne before his late Maieſtie, King IAMES of ever bleſſed memory his happy acceſſe vnto the Crowne of England, and Ireland, &c.

FOrasmuch as your Highnes louing Subiects of theſe your Highnes Realmes of England, Scotland, and Ireland, are now growing into one Nation, without all marke of difference or diſtinction: And therefore are deſirous for to enioy the ſame freedomes & benefites of the ſame your Highnes Lawes & Statutes of this Realme: And for that all ſuch of the Scottiſh Nation as are Ante-nati, and borne before his ſaid late Maieſtie King IAMES his happy attayning the Crowne of England and Ireland, as aforeſaid, are therefore in iudgment & reputation of the Common Law of this Realme, diſinabled and vncapable either to acquire & make purchaſe vnto the vſe of themſelues, their Heires, Executors, Adminiſtrators, and Aſſignes, of any Lands, Tenements & Hereditaments, or other reall eſtate whatſoeuer, in Leaſes for yeares, or otherwiſe, within this your Highnes Realme of Ireland, or to retaine & keepe what they haue already acquired & purchaſed, by which meanes, the Iſſues and Poſterities, Wiues, Allyes & Children of ſuch perſon & perſons, your Highnes loyall Subiects, are thus many times left vnprouided for, and the Patrimonies and Eſtates of their Anceſtors, by Law giuen frō them, and by this meanes, many of your louing & loyall Subiects of Scotland, planted within this your Highneſſe ſaid Realme of Ireland, are left to great want & penurie, It being alſo a great diſ-couragement & diſ-heartning vnto many of your ſaid Subiects of Scotland, that otherwiſe would haue planted themſelues heere, for the further ciuilizing, ſtrengthening, and ſecuring this your Highnes ſaid Realme, againſt Rebells at home, and all forraine inuaſion.

May it therefore pleaſe your moſt excellent Maieſtie, That it may be enacted by your moſt excellent Maieſty, and the Lords Spirituall & Temporall, and Commons in this preſent Parliament aſſembled, And Be it enacted by the Kings moſt excellent Maieſty, the Lords Spirituall and Temporall, and by the Commons in this preſent Parliament aſſembled, and by the authoritie of the ſame, That all and euery Scottiſh Under-taker and Under-takers whatſoeuer, in the Prouince of Vlſter, and other place & places of this Kingdome, and euery Scottiſh-man or Scottiſh-woman, Scottiſh-men or Scottiſh-women whatſo-

euer

euer, which were and haue been borne, at any time or times whatsoeuer, before his said late Maiesty King Iames his happy accession to the Crowne of England, and Ireland: and all and whatsoeuer other person & persons of the Scottish Bloud and Nation hereafter, whensoeuer, and wheresoeuer, to bee borne, within any your Highnesse said Realmes & Dominions, of whatsoeuer state, degree, qualitie, or condition they be, or shalbe of, and the Heires, Issues & Posterities of them, and of all & euery of them, aswell begotten, as to be begotten, bee by authority of this present Parliament, deemed, adiudged and reputed your Maiesties Liege, Free, and Naturall Subiects of this your Highnesse Realme of Ireland, and be adiudged, reputed & taken in euery respect, condition & degree, to all intents, constructions & purposes, your Maiesties Naturall & Liege Subiects of this Realme of Ireland, as if they and euery of them had beene, or were borne within this Realme of Ireland, of English, or Irish Parents, your Maiesties free-borne Naturall Subiects of this Realme of Ireland. And that they & euery of them, in all things, and by all lawfull wayes & meanes whatsoeuer, shall and may, vse, haue and enioy, the full grace & benefit of all and euery the Lawes, Preheminences, Iurisdictions, and Customes of this Realme whatsoeuer, to all intents, constructions and purposes in the Law, or otherwise whatsoeuer, in the same manner and forme, as any English-man, or English-men whatsoeuer, within this Realme of Ireland, hath, or may, or can, haue, vse and enioy, and be adiudged, reputed and taken in euery respect, condition and degree, and to all intents, constructions and purposes whatsoeuer, your Maiesties Naturall & Liege Subiects of this Realme of Ireland. And that they and euery of them, shall answere, and shalbe answered vnto, and shall and may impleade, and be impleaded, in whatsoeuer Court or Courts of Iustice, and other-where, within this your Highnesse said Realme of Ireland, as the Naturall-borne, free Liege Subiects of this Realme of Ireland: And that they and euery of them, by force of this present Act of Parliament, shall haue full licence, freedome, liberty, power and authority, aswell to haue, occupie, possesse & enioy, retaine and keep, as to aske, demand, challenge and haue, and also to acquire, buy and purchase, or receiue by guift, or other wayes by any other lawfull wayes or meanes, to the vse of them, and of all and euery, or any of them, their Heires, Executors, Administrators, and Assignes, and the Heires, Executors, Administrators, and Assignes of all and euery, or any of them for euer, all, any and whatsoeuer, Manors, Messuages, Lands, Tenements, Rents, Seruices, Offices, Hereditaments, and other Possessions, Goods and Chattells, reall, or personall whatsoeuer, aswell by any of their Auncestors and Predecessors, at any time or times heretofore, sithence the beginning of the happy Raigne of our late dread Soueraigne Lord King Iames of euer blessed and happy

memory,

memory, acquired & purchased, or to them, or any of them, by Letters Patents, or otherwise, made, granted, enfeoffed, conveyed, or assured, or which at any time or times hereafter, shall and may be made, granted, enfeoffed, giuen, conveyed or assured, or shall come, as Heire or Heires to their, or any of their Auncestors, lineally, or collaterally, by reason of any descent, remainder, reversion, right, or any other title, guift, or conveyance whatsoeuer, or which after the first day of this present Parliament, shall descend, remaine, revert, accrew, come, or grow vnto your said Subiects, or any of them, and in the same to inherite, succede and come, by right of Inheritance, and otherwise howsoeuer, without the lett & impediment of your most excellent Maiesty, your Heires & Successors, or of your Highnesse Officers & Ministers whatsoeuer: Any Law, Custome, Statute, Act, Prouision, Ordination, Restraint, or Inhibition to the contrary, before this time made, enacted, ordained, or prouided, or any other matter, cause, or thing whatsoeuer, notwithstanding.

And also to prosecute, pursue, maintaine, avow, iustifie & defend all & all manner of Actions, Suits & Causes, and all other lawfull things whatsoeuer, to doe as lawfully, frankely, fully, liberally, surely, and freely, as if your said Subiects had beene, and were borne within this Realme of Ireland, and as any other person or persons, naturally borne within this Realme of Ireland, may lawfully, or in any wise doe: Any Act, Law, Statute, Custome, Ordinance, or other thing whatsoeuer, had, made, done, promulged, or prouided to the contrary hereof, in any wise notwithstanding.

Prouided alwayes, that this Act, nor any thing therein contayned, shall not extend to avoyde any Estate or interest, of, and into any Manors, Lands, Tenements, or Hereditaments whatsoeuer, which haue already beene found and accrued vnto his most excellent Maiesty that now is, or vnto his late Maiesty, King IAMES of euer famous and blessed memory, for want of the Denization, or Naturalization of any such person or persons, & which shall and doth appeare by office already found and returned, and remaining of Record, or by any other matter of Record.

CAP. V.

An Act for Confirmation of Leases, made by the Lord Primate, and other Bishops in Vlster.

WHereas since his late Maiestie King IAMES of euer blessed memory, his endowment of the Arch-bishoprick of Armagh, and the Bishoprickes of Derry, Clogher, Raphoe, and Killmore,

Killmore, with Lands, Tithes, and other Hereditaments, ſome queſtions may ariſe, concerning the validity of Leaſes, made by the ſaid Arch-biſhop and Biſhops, and of the validity of the Arch-Biſhop and Biſhops Letters Patents from his ſaid Maieſty.

For the clearing of all doubts, and ſecuring the ſaid Arch-biſhop & Biſhops grants ſo paſſed vnto them, and of the Farmers of the ſaid Lands, and that the ſaid Biſhops & Farmers may be encouraged to build and plant the ſame, according to his ſaid Maieſties pious intention: Bee it enacted by the Kings Maieſty, the Lords Spirituall & Temporall, and Commons in this preſent Parliament aſſembled, That whatſoeuer guifts or grants, of any Lands, Tenements, Tithes, Penſions, Portions, or Hereditaments, which were either found by the great office, taken in the yeare of our Lord God one thouſand ſixe hundred and nine, to haue belonged to any Herenaghes, and Corbes, or were by any other title, devolved & come vnto the Imperiall Crowne of this Realme, and are by any Letters Patents, giuen or granted to the ſaid Arch-biſhop or Biſhops, and to their ſeuerall Succeſſors, reſpectiuely, ſhalbe for euer from henceforth, eſteemed good & effectuall in Law, as well againſt the ſaid Herenaghes & Corbes, and their pretended heires & ſucceſſors, as againſt the Kings Maieſty, his Heires & Succeſſors: And that whatſoeuer Leaſe or Leaſes, or confirmation of Leaſes, ſhall within five yeares next comming after the firſt day of this preſent Parliament, be ſeuerally and reſpectiuely made by the moſt reuerend Father in God, Iames Lord Arch-biſhop of Armagh, Primate of all Ireland, or by the right reuerend Fathers in God, Iames Lord Biſhop of Clogher, Iohn Lord Biſhop of Raphoe, William Lord Biſhop of Killmore, Iohn Lord Biſhop of Derry, or any of them, or by any of their reſpectiue Succeſſors, with the conſent & approbation of the Lord Deputy, or other chiefe Gouernor or Gouernors of this Kingdome for the time being, and ſix of the Councel of State here, for the time being, of any Lands, Tithes, or Hereditaments, belonging to their ſaid ſeuerall & reſpectiue Arch-biſhoprick & Biſhoprickes (ſo as the preſent or greater rent be reſerued) for any Tearme, not exceeding threeſcore yeares, from the firſt day of this preſent Parliament, ſhalbe good & effectuall in the Law, to all purpoſes, againſt the Kings Maieſtie, his Heires and Succeſſors, and againſt ſuch Herenaghes & Corbes, and their pretended heires and ſucceſſors, and againſt the ſaid Arch-biſhop & Biſhops, and their ſucceſſors, ſeuerally & reſpectiuely: Notwithſtanding the want of confirmation by a Legall Deane & Chapter, or any other defect: Sauing to all others then to the Kings Maieſty, his Heires & Succeſſors, and the ſaid Herenaghes & Corbes, and their heires and Succeſſors, and the ſaid Arch-biſhops and Biſhops, and their ſucceſſors reſpectiuely, all ſuch right and title as they haue, or may haue, if this Act had not beene made.

CAP. VI.

¶ An Act, that Leſſees ſhall enjoy their Farmes, againſt Tennants in Tayle, or in right of their Wives, &c.

WHere a great number of the kings Subiects haue heretofore taken Leaſes of Lands, Tenements, and other Hereditaments for terme of yeares, and diuers of them for terme of liues, and haue giuen & payde great Fines, and great ſummes for the ſame, and alſo haue beene at great coſts and charges, aſwell in and about great reparations and buildings vpon their ſaid Farmes, as otherwiſe, concerning their ſaid Farmes: yet notwithſtanding the ſaid Farmers after the deaths of their Leaſſors, haue beene, and be daylie with great crueltie, expulſed & put out of their ſaid Farmes and takings, by the heires of their ſaid Leaſſors, or by ſuch perſons as haue intereſt therein, after the deathes of their ſaid Leaſſors, by reaſon of priuy guifts of entaile, or feoffments, or other conueyances of Record, or otherwayes to vſes, or for that the Leaſſors had nothing in the Lands, Tenements or other Hereditaments ſo letten, at the time of the Leaſes thereof made, but onely in the right of their Wiues, or ſuch other like cauſe, to the great impoueriſhment, and in a manner, vtter vndoing of the ſaid Farmers.

For reformation whereof, Be it ordained, eſtabliſhed, and enacted by the king our Soueraigne Lord, the Lords Spirituall & Temporall, and Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That all Leaſes hereafter to be made of any Manors, Lands, Tenements, or other Hereditaments, by writing indented vnder ſeale, for tearme of yeares, or for tearme of life, by any perſon or perſons, being of full age of one & twenty yeares, hauing any Eſtate of Inheritance, either in fee ſimple, or in fee tayle, in vſe or poſſeſſion in their owne right, or in the right of their Wiues, or ioyntly with their Wiues, of any Eſtate of Inheritance, made before the Couerture, or after, ſhalbe good and effectuall in the Law againſt the Leaſſors, their Wiues and heires, and euery of them, according to ſuch Eſtate as is compriſed and ſpecified in euery ſuch Indenture of Leaſe, in like manner and forme, as the ſame ſhould haue beene, if the Leaſſors thereof, and euery of them, at the time of the making of ſuch Leaſes, had beene lawfully ſeized of the ſame Lands, Tenements, and Hereditaments, compriſed in ſuch Indentures, of a good, perfect, and pure Eſtate, of fee ſimple thereof, to their owne onely vſes.

Prouided alway, that this Act, nor any thing therin contained ſhall not extend to any Leaſes to be made of any Lands, Tenements, or Hereditaments, being in the hands of any Farmer or Farmers,

Farmors, by vertue of any olde Leaſe, vnleſſe the ſame olde Leaſe be expired, ſurrendred, or ended, within one yeare next after the making of the ſaid new Leaſe, nor ſhall extend to any grant to be made, of any reuerſion of any Manors, Lands, Tenements, or Hereditaments, nor to any Leaſe of any Manors, Lands, Tenements, or Hereditaments, which haue not moſt commonly beene letten to farme, or occupied by the Farmors thereof by the ſpace of twenty yeares next before ſuch Leaſe therof made, nor to any Leaſe to be made without impeachment of waſte: nor to any Leaſe to be made, aboue the number of one and forty yeares, or three liues at the moſt, from the day of the making thereof: And that vpon euery ſuch Leaſe, there be reſerued yearely during the ſame Leaſe, due and payable to the Leaſſors, and their Heires, to whom the ſame Lands ſhould haue come after the deaths of the Leaſſors, if no ſuch Leaſe had beene thereof made, and to whom the reuerſion thereof ſhall appertaine, according to their eſtates and intereſts, ſo much yearely farme or rent, or more, as hath beene moſt accuſtomably yeelden or payde for the Manors, Lands, Tenements, or Hereditaments, ſo to be letten within twenty yeares next before ſuch Leaſe thereof made. And that euery ſuch perſon & perſons, to whom the reuerſion of ſuch Manors, Lands, Tenements, or Hereditaments, ſo to be letten, ſhall appertaine, as is aforeſaid, after the death of ſuch Leaſſors, or their Heires, ſhall and may haue ſuch like remedy and aduantage, to all intents and purpoſes, againſt the Leſſees thereof, their Executors, and Aſſignes, as the ſame Leſſor ſhould, or might haue had againſt the ſame Leſſees: So that if the Leſſor were ſeized of any eſpeciall Eſtate, tayle, in vſe or poſſeſſion of the ſame Hereditaments, at the time of ſuch Leaſe, that the Iſſue or Heire of that ſpeciall Eſtate, ſhall haue the reuerſion, rents and ſeruices reſerued vpon ſuch Leaſe, after the death of the ſaid Leſſor, as the Leaſſor himſelfe, might, or ought to haue had, if he had liued.

Prouided alway, That the Wife be made party to euery ſuch Leaſe, which hereafter ſhalbe made by her Huſband, of any Manors, Lands, Tenements, or Hereditaments, being the Inheritance of the Wife: and that euery ſuch Leaſe bee made by Indenture, in the name of the Huſband & his Wife, and ſhee to ſeale the ſame: And that the Farme and Rent be reſerued to the Huſband, and to the Wife, and to the heires of the Wife, according to the Eſtate of Inheritance in the ſame, and that the Huſband ſhall not in any wiſe alien, diſcharge, grant, or giue away the ſame Rent reſerued, nor any part thereof, longer then during the Couerture, without it be by fine levied by the ſaid Huſband & Wife: But that the ſame rent ſhall remaine, deſcend, revert, or come after the death of ſuch Huſband, vnto ſuch perſon or perſons, and their heires, in ſuch manner and ſort, as the Lands ſo leaſed, ſhould haue done, if no ſuch Leaſe had thereof beene made.

And moreouer for certaine considerations, Bee it enacted by authority aforesaid, That no Fine, Feoffment, or other Act or Acts, hereafter to be made, suffered or done, by the Husband onely, of any Manors, Lands, Tenements or Hereditaments, being the inheritãce or free-hold of his Wife, during the Coverture between them, shall in any wise be, or make any discontinuance thereof, or be preiudiciall or hurtfull to the said Wife, or to her heires, or to such as shall haue right, title or interest to the same, by the death of such Wife or Wiues: But that the same Wife, or her Heires, and such other, to whom such right shall appertaine after her decease, shall & may then lawfully enter into all such Manors, Lands, Tenements & Hereditaments, according to their rights & titles therein, any such Fine, Feoffment, or other Act to the contrary notwithstanding: Fines levyed by the Husband and Wife, (whereunto the said Wife is partie and privie) onely excepted.

Prouided furthermore, that this Clause or Act, extend not to giue any libertie to any such Wife, or to her heires, for to avoyde any Lease hereafter to be made, of any Inheritance of the Wife by her Husband and her, for tearme of one and forty yeares, or vnder: or of any her inheritance for tearme of three liues at the vttermost, whereupon as much yearely rent, or more, is, or shalbe reserued, and yearely payable, during the same Lease, as was at any time therefore yeelden, and payed, within twenty yeares next before the making of any such Lease, according to the tenor of this present Act: Any thing therein contayned to the contrary notwithstanding.

CAP. VII.

An Act for Contentation of Debts upon Execution.

WHereas before this time, diuers and sundry persons haue sued Executions, aswell vpon Judgments for them giuen of their Debts or Damages, as vpon such Statutes Merchants, Statutes of the Staple, or Recognizances, as haue been to them before made, recognized and knowledged, and thereupon such Lands, Tenements, and other Hereditaments, as were lyable to the same Executiõ, haue been by reasonable extent, to them deliuered in Executiõ, for the satisfaction of their said Debts and Damages, according to the Lawes of this Realme: Neuertheless it hath beene oftentimes seene, that such Lands, Tenements & Hereditaments, so deliuered and had in Execution, haue beene recouered, or lawfully devested, taken away, or evicted from the possession of the said Recouerers, Obligees, or Recognizees, their Executors,

Executors or Assignes, before such time as they haue beene fully satisfied and payde of their debts & damages, without any manner fraude, deceipt, couin, collusion, or other default in the said Recouerers, Obligees, or Recognizees, their Executors & Assignes, by reason whereof, the said Recouerers, Obligees, and Recognizees, haue been thereby set clearely without remedie, by any manner suite of the Law, to recouer, or come by any such part or parcell of their said debt and damages as was behinde, and not by them levied or receiued, before such time as the said Lands, Tenements, and other Hereditaments, so by them had in execution, were recouered, lawfully devested, taken, or evicted out of, and from their possessions, as is aforesaid, to their great hurt and losse, and much seeming to be against equall Justice, and good Conscience.

For reformation whereof, be it enacted by the authority of this present Parliament, that if hereafter any such lands, tenements or hereditaments, as be, or shalbe had & deliuered to any person or persons in execution, as is aforesaid, vpon any iust and lawfull title, matter, condition, or cause, wherewithall the said Lands, Tenements, and Hereditaments were lyable, tyed, and bound at such time as they were deliuered, and taken into execution, shall happen to be recouered, lawfully devested, taken, or evicted out of, and from the possession of any such person and persons, as now haue and hold, or hereafter shall haue and hold the same in execution, as is aforesaid, without any fraude, deceipt, couin, collusion, or other default of the said Tenant or Tenants by execution, before such time as the said Tenants by execution, their Executors or Assignes, shall haue fully and wholly levied or receiued the said whole debt & damages, for the which the said Lands, Tenements, and other Hereditaments, were deliuered and taken in execution, as is aforesaid: Then euery such Recouerer, Obligee, and Recognizee, shall and may, haue & pursue, a writ of scire facias, out of the same Court, from whence the said former writ of execution did proceed, against such person or persons, as the said writ of execution was first pursued, their heires, executors, or assignes, of such Lands, Tenements, or Hereditaments, as were, or be, then lyable or charged to the said Execution, returnable into the same Court at a certaine day, being full forty dayes, after the date of the said writ. At which day, if the Defendant, being lawfully warned, make default, or appeare, and doe not shew and pleade a sufficient matter or cause, other then the acceptance of the said Lands, Tenements, and Hereditaments, by the said former writ of execution, to barre, avoyde, or discharge the said suit, for the residue of the said debt & damages, remaining vnlevyed or vnrecciued by the former execution: Then the Lord Chancellour, or other such Justice or Justices, before whom such writ of scire facias shalbe returnable, shall make eft-soones a new writ or writs, out of the

ſaid fozmer Recozd of Judgment, Statute Merchant, Statute Stapie, oz Recognizance of like nature & effect, as the ſaid fozmer Wzit of Execution was, foz the levying of the reſidue of all ſuch debt & dammage, as then ſhall appeare to be vnlevyed, vnſatiſfied, oz vnpayde of the whole ſumme oz ſummes in the ſaid fozmer Wzit of Execution contained: Any law, cuſtome, oz other thing to the contrary hereof, heretofoze vſed, in any wiſe notwithſtanding.

CAP. VIII.

An Act for to avoyde unneceſſary delayes of Execution.

FOzaſmuch as his Highneſſe Subiects, are now moze commonly with-holden from their iuſt debts, and often in danger to looſe the ſame, by meanes of Wzits of Erroz, which are moze commonly ſued, then heretofoze they haue beene: Bee it therefoze enacted by the authozity of this preſent Parliament, That from, oz after the end of this preſent Seſſion of Parliament, no Execution ſhalbe ſtayed oz delayed, vpon, oz by any Wzit of Erroz oz Super-ſedeas thereupon to be ſued, foz the Reverſing of any Judgment giuen, oz to be giuen, in any Action oz Bill of debt, vpon any ſingle bond foz debt, oz vpon any Obligation with Condition, foz the payment of Money onely, oz vpon any Action oz Bill of debt foz Rent, oz vpon any Contract, ſued in any of his Highnes foure Courts of Recozd, viz. Chauncery, Kings Bench, Common-Pleas, and Exchequer, vnleſſe ſuch perſon oz perſons, in whoſe name oz names ſuch Wzit of Erroz ſhalbe bzought, with two ſufficient ſureties, ſuch as the Court wherein ſuch Judgment is, oz ſhalbe giuen, ſhall allow of, ſhall firſt befoze ſuch ſtay made, oz Super-ſedeas, to be awarded, be bound vnto the party foz whom any ſuch Judgment is, oz ſhalbe giuen by Recognizance, to be acknowledged in the ſame Court, in double the ſumme adiudged, to be recouered by the ſaid fozmer Judgment, to proſecute the ſaid Wzit of Erroz with effect, and alſo to ſatiſfie & pay (if the ſaid Judgment be affirmed) all and ſingular the debts, dammages & coſts, adiudged oz to be adiudged vpon the fozmer Judgment, and all coſts and dammages to be alſo awarded foz the ſame delaying of Execution.

CAP. IX.

An Act for relieſe of Creditors, againſt ſuch perſons as dye in Execution.

FOraſmuch as heretofore it hath beene much doubted and queſtioned, if any perſon being in Priſon, and charged in Execution, by reaſon of any Judgment giuen againſt him, ſhould afterwards happen to dye in Execution, whether the party, at whoſe ſuite, or to whom ſuch perſon ſtood charged in Execution, at the time of his death, be for euer after concluded and barred to haue Execution of the Lands and goods of ſuch perſon ſo dying.

And foraſmuch as daylie experience doth manifeſt, That diuers perſons of ſufficiencie, in reall and perſonall eſtate, minding to deceiue others of their iuſt debt, for which they ſtood charged in Execution, haue obſtinately and wilfully choſen rather to liue and dye in Priſon, then to make any ſatisfaction according to their abilities: To preuent which deceipt, and for the auoyding of ſuch doubts and queſtions hereafter, Bee it declared, explained, and enacted by the Kings moſt excellent Maieſty, the Lords Spirituall and Temporall, and the Commons in this preſent Parliament aſſembled, and by the authoritie of the ſame, That from & after the end of this preſent Seſſion of Parliament, the party or parties, at whoſe ſuite, or to whom any perſon ſhall ſtand charged in Execution, for any debt or dammage recouered, his or their Executors, or Adminiſtrators, may after the death of the ſaid perſon ſo charged & dying in Execution, lawfully ſue forth and haue new Execution, againſt the Lands and Tenements, Goods and Chattells, or any of them, of the perſon ſo deceaſed, in ſuch manner and forme, to all intents & purpoſes, as he, or they, or any of them might haue had by the Lawes and Statutes of this Realme, if ſuch perſon ſo deceaſed, had neuer beene taken or charged in Execution.

Prouided alwayes, and bee it declared and enacted, That this Act ſhall not extend to giue liberty to any perſon or perſons, their Executors, or Adminiſtrators, at whoſe ſuite or ſuites any ſuch party ſhalbe in Execution, and dye in Execution, to haue or take any new Execution, againſt any the Lands, Tenements, or Hereditaments of ſuch party ſo dying in Execution, which ſhall at any time after the ſaid Judgment or Judgments, be by him ſolde, bona fide, for the payment of any his Creditors, and the money which ſhalbe payde for the Land ſo ſolde, either payde, or ſecured to be payde, to any of his Creditors, with their priuity and conſent in diſcharge of his or their due debts, or of ſome part thereof: Any thing before in this Act to the contrary hereof, in any wiſe notwithſtanding.

CAP. X.

CAP. X.

An Act againſt the fraudulent Adminiſtration of Inteſtates Goods.

FOraſmuch as it is often put in vre, to the defrauding of Creditors, That ſuch perſons as are to haue the Adminiſtration of the Goods of others, dying inteſtate, committed vnto them, if they require it, will not accept the ſame, but ſuffer or procure the Adminiſtration to be granted to ſome ſtranger, of meane eſtate, and not of kinne to the Inteſtate, frō whom, themſelues or others by their meanes, doe take deeds of guifts, and authorities by Letter of Atturney, whereby they obtaine the ſtate of the Inteſtate into their hands, and yet ſtand not ſubiect to pay the debts owing by the ſame Inteſtate, and ſo the Creditors for lacke of knowledge of the place of Habitation of the Adminiſtrator, cannot arreſt him, or ſue him, and if they fortune to finde him out, yet for lacke of ability in him, to ſatiſfie of his owne goods, the value of that he hath conveyed away of the Inteſtates Goods, or releaſed of his debts by way of waſting, the Creditors cannot haue or recouer their iuſt & due debts.

Bee it enacted by the authority of this preſent Parliament, That euery perſon and perſons, that hereafter ſhall obtaine, receiue, or haue, any Goods or Debts, of any perſon Inteſtate, or a Releaſe, or other Diſcharge, of any debt or dutie that belonged to the Inteſtate, vpon any fraude, as is aforeſaid, or without ſuch valuable conſideration, as ſhall amount to the value of the ſame Goods & Debts, or neare thereabouts, except it be in or towards ſatisfaction of ſome iuſt and principall Debt, of the value of the ſame goods or debts, to him owing by the Inteſtate at the time of his deceaſe, ſhalbe charged and chargeable, as Executor of his owne wrong: And ſo farre onely as all ſuch goods & debts comming to his hands, or where of he is releaſed or diſcharged by ſuch Adminiſtrator, will ſatiſfie; deducting neuertheleſſe, to & for himſelfe, allowance of all iuſt, due, and principall debt, vpon good conſideration, without fraude, owing to him by the Inteſtate at the time of his deceaſe, and of all other payments made by him, which lawfull Executors or Adminiſtrators, may and ought, to haue & pay, by the Lawes and Statutes of this Realme.

CAP. XI.

¶ An Act for the avoyding of Recoveryes ſuffered by colluſion by Tenants for terme of life, and ſuch others.

WHere diuers perſons being ſeized, or that had beene ſeized of Lands, Tenements, and Hereditaments, as Tenants by the courteſie, Tenants in Tayle after poſſibility of Iſſue extinct, or otherwiſe onely for terme of life or liues, or of eſtates determinable vpon life or liues, haue heretofore permitted and ſuffered other perſons, by agreement or covin between them had, to recouer the ſame Lands & Tenements, and other Hereditaments, againſt the ſame particular Tenants in the Kings Maieſties Courts; or haue permitted & ſuffered themſelues to be vouched by other perſons by agreement or covin betweene them had, in Recoveries ſuffered of the ſame Lands, Tenements, and other Hereditaments, in the Kings Maieſties Courts, to the great preiudice of thoſe to whom the Reuerſion or Remainder thereof hath appertained, or ought to appertaine.

For remedie whereof, Bee it enacted by the Kings moſt excellent Maieſty, with the aſſent of the Lords Spirituall & Temporall, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That all ſuch Recoveries hereafter to be had or proſecuted by agreement of the parties, or by covin, as is aforeſaid, againſt any ſuch particular Tenant or Tenants, of any Lands, Tenements, or Hereditaments, whereof the ſame particular Tenant or Tenants, is, are, or hereafter ſhalbe ſeized of any ſuch particular eſtate, as is aforeſaid, or againſt any other, with voucher ouer of any ſuch particular Tenant or Tenants, or of any, hauing or that had right or title to any ſuch particular Eſtate or Tenancie, as is aforeſaid, ſhall from henceforth, as againſt ſuch perſon or perſons, to whom any reuerſiō or remainder thereof, by force of any conueyance or deuiſe, before that time had or made, ſhall, ought, or may lawfully appertain, and againſt their heires & ſucceſſors, be clearely & vtterly voyde, and of none effect: Any law or vſage heretofore had to the contrary thereof in any wiſe notwithſtanding.

Prouided alwayes, That this Act, nor any thing therein contained, ſhall extend or be preiudiciall to any perſon or perſons, that ſhall hereafter by good title, recouer any Lands, Tenements, or Hereditaments, without fraude or covin, by reaſon of any former right, or title, but that all & euery ſuch recouery & recoueryes, ſo to be had or proſecuted vpon former rights or titles ſhall ſtand & bee in the like force, ſtrength & effect, as they were before the making of this Act: Any thing herein contained to the contrary thereof in

any wise notwithstanding.

Prouided also, That all and euery such Recouerie & Recoueries be had or prosecuted, of any Lands, Tenements, or Hereditaments, as aforesaid, by the assent and agreement of any person or persons, to whom any reuersion or remainder thereof, then shall, or ought to appertaine, (so that the same assent and agreement doe appeare of Record in any Court of our Soueraigne Lord the Kings Maiesty, his Heires or Successors) shall stand and bee in like force, strength, and of like effect, against such person & persons, that shall so assent and agree, their heires and Successors, as they were before the making of this present Act: Any thing therein contained to the contrary thereof in any wise notwithstanding.

CAP. XII.

An Act for the avoyding of Secret Summons in Reall Actions.

FOr the avoyding of Secret Summons in Reall Actions, without conuenient notice of the Tenants of the Free-hold: Bee it ordained & enacted by the Kings most excellent Maiesty, the Lords Spirituall and Temporall, and Commons in this present Parliament assembled, and by authority of the same, That after euery Summons vpon the Land in any Reall Action, fourteene dayes at the least, before the day of the returne thereof, Proclamation of the same Summons shalbe made on a Sunday, at or neere to the most vsuall dooze of the Church or Chappell of that Towne or Parish, where the Land whereupon that Summons was made, doth lye, and in case there be no Church nor Chappell, then in the Church-yard of the same Parish, where the Land whereupon the Summons was made, doth lye: And that Proclamation so made, as aforesaid, shalbe returned, together with the names of the Summoners, and if such Summons shall not bee proclaimed & returned, according to the tenor & meaning of this Act, Then no grand Cap: to be awarded, but an Alias and Plures Summons, as the cause shall require, vntill a Summons & Proclamation shalbe duely made and returned, according to the tenor and meaning of this Act: Any law, statute, or vsage to the contrary notwithstanding.

CAP. XIII.

CAP. XIII.

An Act for explanation of the Statute of *Anno Octavo* of *Henry* the *ſixt*, concerning forcible Entries, and to enable certaine Iudges & Iuſtices, to give reſtitution of poſſeſſions in certaine caſes.

VVHereas there is one good Act, made and eſtabliſhed in England, in the eight yeare of the raigne of King Henry the ſixt, againſt ſuch perſons as ſhould make forcible Entries into Lands, Tenements, and other Poſſeſſions, or them ſhould forcibly hold: And one very good Proviſo or clauſe in the ſaid Act contained, as inſueth, viz. Provided alwayes, that they which keepe their Poſſeſſions with force, in any Lands and Tenements, whereof they or their Auncеſtors have continued their Poſſeſſion in the ſame by three yeares or more, bee not endamaged by force of the ſaid Statute. And whereas diuers of the Kings Maieſties good and louing Subiects, and their Auncеſtors, or thoſe whoſe eſtate they haue for many yeares together, aboue the ſpace of three yeares, or more, haue been in quiet poſſeſſion of their dwelling-houſes, and other their Lands and Poſſeſſions: And now of late, diuers of his Maieſties ſaid Subiects hauing Entries made vpon their Poſſeſſions, hauing had ſuch quiet & long poſſeſſion, for diſturbing of ſuch Entries, and for keeping of their Poſſeſſion againſt ſuch Enterers, by colour of indictmẽts of forcible entrie, or forcible keeping poſſeſſion found againſt them, by meanes of the oathes of ſuch Enterers, haue been remoued & put out of their dwelling-houſes, and other their Poſſeſſions, which they haue quietly held by the ſpace of three yeares together, or longer time, next before ſuch Indictments found againſt them, againſt the true meaning and intent of the ſaid Proviſo, or clauſe contained in the ſaid Act.

For remedy of which inconvenience, and for true declaration & explanation of the Law therein, bee it ordained, declared, and enacted by the authority of this preſent Parliament, that no reſtitution, vpon any Indictment of forcible entrie, or holding with force, be made vnto any perſon or perſons, if the perſon or perſons ſo indicted, hath or haue had the occupatiõ, or hath or haue been in the quiet Poſſeſſiõ, by the ſpace of three whole yeares together next before the day of ſuch indictment ſo found, and his, her, or their eſtate or eſtates, therein not ended, nor determined, which the party indicted, ſhall & may alleage for ſtay of reſtitutiõ, and reſtitutiõ to ſtay, vntill that be tryed, if the other will deny or traverſe the ſame. And if the ſame allegations bee tryed againſt the ſame perſon or perſons ſo indicted, then the ſame perſon or perſons, ſo indicted to

pay ſuch coſts & dammages to the other party, as ſhalbe aſſeſſed by the Judges or Juſtices, before whom the ſame ſhall be tryed, the ſame coſts and dammages to be recouered & levyed, as is vſuall for coſts and dammages, contained in Judgments vpon other actions.

And bee it further enacted by the authority aforeſaid, That ſuch Judges, Juſtices or Juſtice of the Peace, as by reaſon of any Act or Acts of Parliament, now in force, are authorized & enabled vpon enquiry, to giue reſtitution of poſſeſſion vnto the Tenants, of any Eſtate of Free-hold, of their Lands or Tenements which ſhalbe entred vpon with force, or from them with-holden by force, ſhall by reaſon of this preſent Act, haue the like, and the ſame authority & ability, frō henceforth, (vpon indictment of ſuch forcible Entries, or forcible with-holding before them duely found) to giue like reſtitution of poſſeſſion vnto Tenants, for termes of yeares, Tenants by Coppy of Court Roll, Gardians by knights ſeruice, Tenants by Elegit, Statute-Merchants, and Staple, of Lands or Tenements, by them ſo holden, which ſhalbe entred vpon by force, or holden from them by force.

And bee it further enacted by the authority aforeſaid, That all & every Juſtice and Juſtices of Aſſize, ſhall for euer hereafter in their ſeuerall Circuits reſpectiuely, haue the like power and authority, to all intents & purpoſes, to inquire, heare and determine of all forcible Entries, and forcible holding, and all other offences, aſwell againſt the ſaid Statute of Octavo of King Henry the Sixt, as againſt this preſent Statute, and to award reſtitution of poſſeſſion in all caſes, as any other Judge, or Juſtice or Juſtices of the Peace could, or may doe by this Act, or by any other Statute of force within this Realme.

CAP. XIV.

An Act againſt the killing of young Spawne, and frye of Eeles and Salmon.

IN all humbleneſſe, wee your Maieſties loyall & faithfull Subiects of this your Highneſſe Realme of Ireland, doe pray and beſeech your moſt excellent Maieſtie, That it may bee enacted by your Highnes, with the aſſent of the Lords Spirituall & Temporall, and Commons in this preſent Parliament aſſembled, in manner and forme following, viz. Forasmuch as great hurt, and daylie inconveniences haue & doe enſue vnto all the Kings Subiects of this Realme, by the greedy appetites, and inſatiable deſire, which ſundry of them occupying Fiſhing, haue vſed, by taking and killing the young Spawne, Frye, or Breed of Eeles & Salmon, aſwell

aſwell in ſalt Riuers, as in freſh Riuers, Loghes, Plaſhes, Fennes & Warſhes, in many parts of this Realme: As alſo ſetting of ſtop-Nets, ſtill-Nets, or ſtanding-Nets, fixed vpon poſts, or otherwiſe, in the Riuers where the Salmon ſhould paſſe vp from the Sea, to the great hinderance and preiudice of the Common-wealth of this Realme.

Bee it therefore enacted by this preſent Parliament, and by the authority of the ſame, That no manner of perſon or perſons, of what eſtate, degree, or condition ſoeuer they be, with any manner of Net, Weele, or with any other deuice or engine whatſoeuer, ſhall willingly preſume to take any Fry, Spawne, or Breed of Eeles in any Riuer or Water, ſalt or freſh, within this Realme of Ireland. And ouer this, that no manner of perſon or perſons, from henceforth ſhall preſume willingly to take or deſtroy, in or by meanes of any Weele, Net, Net of Haire, or by any other Engine (Angling onely excepted) Flud-gate, Salmon-pipe, or at the tayle of any Mill, or Weare, or in any Straites, Riuers or Brookes, ſalt or freſh, within this Realme of Ireland, the young Fry, Spawne, or Breed, of any kind of Salmon, called Lakelpinkes, Smowtes, or Salmon-Peales. And alſo that no manner of perſon or perſons, ſhall vſe, or ſet, or take any Salmon, with any ſuch ſtop-Nets, ſtill-Nets, or ſtanding Nets: And if any perſon or perſons, offend in any of the points before rehearſed, contrary to the tenor, forme, and purport of any part of the ſame, then euery ſuch perſon or perſons ſo offending, ſhall looſe & forfeit for euery time of his, or their ſuch offence, the ſumme of forty ſhillings, and the Fiſh, and alſo the vnlawfull Nets, and other vnlawfull Engines & deuices, whatſoeuer they be, made, kept, or vſed, for the killing, taking, or deſtroying of the young Breed, Spawne, or Fry of Eeles, or Salmon, before rehearſed, or letting out of the ſaid ſtop-Nets, or taking the ſaid Salmon therewith, the one halfe of the ſaid forfeiture, ſhalbe to the Kings Highnes, his Heires & Succeſſors, and the other half ſhalbe to him that will ſue for the ſame, by actiõ of debt, bill, plaint, or otherwiſe, in any Court of Record within this Realme. And that the Juſtices of Aſſizes, and alſo the Juſtices of the Peace in euery Aſſize, and Quarter-Seſſions in all Counties within this Realme, ſhall haue full power and authority by vertue of this preſent Act, by way of Indictment, or otherwiſe, not onely to inquire of, and vpon defaults & offences committed, contrary to the tenor & effect of this preſent Act, but alſo to heare & determine the ſame, and to inflict due puniſhment, for reformation thereof by fine, impriſonment, or otherwiſe, according to the tenor of this Act, from time to time, as often as the caſe ſhall require in euery behalfe.

CAP. XV.

An Act againſt Maintenance, Embracery, &c. and againſt vnlawfull buying of Titles.

THe King our Soueraigne Lord, calling to his moſt bleſſed remembrance, that there is nothing within this Realme, that cõſerueth his louing Subiects in more quietneſſe, reſt, peace, and good concord, then the iuſt & due adminiſtration of his Lawes, and the true & indifferent tryals of ſuch titles and iſſues, as bee to bee tryed, according to the Lawes of this Realme, which his moſt Royall Maieſty perceiueth to bee greatly hindered by Maintenance, Embracery, Champertie, Suborneation of witneſſes, ſiniſter labour, buying of titles, and pretended rights of perſons, not being in poſſeſſion, whereupon great periury hath enſued, and much vnquietneſſe, oppreſſion, veration, trouble, wrongs, and diſinheritance, hath followed among his moſt louing Subiects, to the great diſpleaſure of Almighty God, the diſcontentation of his Maieſty, and to the great hinderance & lett of Juſtice within this his Realme.

For the auoyding of all which miſdemeanors, and buying of titles & pretenſed rights, and to the intent that Juſtice may bee more fully & indifferently miniſtred, and the truth in cauſes of contention, plainly tryed between his Subiects of this Realme: Bee it enacted by our ſaid Soueraigne Lord, with the aſſent of the Lords Spirituall & Temporall, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from henceforth all Statutes heretofore made in England, concerning Maintenance, Champertie & Embracery, or any of them, now ſtanding & being in their full ſtrength and force, ſhalbe put in due execution in this Realme of Ireland, according to the tenures and effects of the ſame Statutes.

And ouer that, Bee it further enacted by the authority aforeſaid, That no perſon or perſons, of what eſtate, degree, or conditiõ ſoeuer he, or they be, ſhall from henceforth bargaine, buy, or ſell, or by any wayes or meanes, obtaine, get, or haue any pretenſed rights, or titles, or take, promiſe, grant, or couenant, to haue any right or title of any perſon or perſons, in, or to any Manors, Lands, Tenements or Hereditaments, but if ſuch perſon or perſons, which ſhall ſo bargaine, ſell, giue, grant, covenant, or promiſe the ſame, their Anceſtors, or they, by whom hee or they clayme the ſame, haue beene in poſſeſſion of the ſame, or of the reverſion or remainder thereof, or taken the rents or profits thereof, by the ſpace of one whole yeare next before the ſaid bargaine, covenant, grant, or promiſe made, vpon paine, that he that ſhall make any

ſuch

ſaid bargain, ſale, promiſe, covenant, or grant, to forfeit the whole value of the Lands, Tenements, or Hereditaments, ſo bargained, ſold, promiſed, covenanted, or granted, contrary to the forme of this Act: And the buyer or taker thereof, knowing the ſame, to forfeit alſo the value of the ſaid Lands, Tenements, or Hereditaments, ſo by him bought or taken, as is aboveſaid: The one halfe of the ſaid forfeitures, to bee to the King our Soveraigne Lord, and the other halfe to the party that will ſue for the ſame, in any of the Kings Courts of Record, by action of Debt, bill, plaint, or information: in which action, bill, plaint, or information, no eſſoine, protection, wager of Law, or Iniunction, ſhalbe allowed.

And furthermore, That no manner of perſon or perſons, of what eſtate, degree, or condition ſoever, he or they be, doe hereafter unlawfully maintaine, or cauſe or procure any unlawfull maintenance in any action, demaund, ſuite, or complaint, in any of the Kings Courts of the Chancery, Caſtle-Chamber, or elſewhere, within this his Highnes Realme of Ireland, where any perſon or perſons, haue, or hereafter ſhall haue authority, by vertue of the Kings Commiſſion, Patent, or Writ, to hold plea of Lands, or to examine, heare, or determine any title of Lands, or any matter of witneſſes, concerning the title, right, or intereſt, of any Lands, Tenements, or Hereditaments. And alſo, that no perſon or perſons, of what eſtate, degree, or condition ſoever he or they be, doe hereafter unlawfully retaine, for maintenance of any ſuite, or plea, any perſon or perſons, or embrace any Free-holders, or Jurors, or ſuborne any Witneſſe, by Letters, rewards, promiſes, or any other ſiniſter labour, or meanes, for to maintaine any matter or cauſe, or to the diſturbance or hinderance of Juſtice, or to the procurement or occaſion of any manner of periury, by falſe verdict, or otherwiſe, in any manner of Courts aforeſaid, upon paine to forfeit for euery ſuch offence, Ten pounds: The one moytie thereof unto the King our Soveraigne Lord, and the other moytie to him that will ſue for the ſame, by action of debt, bill, plaint, or information, in any of the Kings Courts, in which Action, no eſſoyne, protection, wager of Law, nor Iniunction ſhalbe allowed.

Prouided alway, and bee it enacted by the authority aforeſaid, That it ſhalbe lawfull to any perſon or perſons, being in lawfull poſſeſſion, by taking of the yearely Farme, rents, or profits, of, or for any Manors, Lands, Tenements or Hereditaments, to buy, obtaine, get, or haue, by any reaſonable way or meanes, the pretenſed right or title, of any other perſon or perſons, hereafter to bee made, to, of, or in ſuch Manors, Lands, Tenements, or Hereditaments, whereof he or they ſhall ſo be in lawfull poſſeſſion: Any thing in this Act contayned to the contrary notwithſtanding.

And for the due execution of this preſent Act, Bee it further enacted by the authority aboveſaid, that the Juſtices of Aſſize, of euery Circuit within this Realme, ſhall in euery County within their Circuits,

cuits, two times in the yeare, that is to say, in the time of their sittings, for the taking of Assizes, or delivery of the Gaoles, cause open Proclamation to be made, aswell of this present Act, and of euery thing therein contained, as also of all other Statutes heretofore made against vnlawfull Maintenance, Champerty, Embracery, or vnlawfull Retainors, to the intent, that no manner of person or persons, hearing the same, should be ignorant, or misdeynisant of the dangers & penalties therein contained and specified.

Prouided alway, and bee it enacted by the authority aforesaid, That this Act shall not extend to charge any person or persons, with any the penalties mentioned in the said Act, for any offence by him or them committed, contrary to the said Act, except the same person or persons so offending, be sued thereof, by action of debt, bill, plaint, or information, in any of the kings Courts, within one yeare next after the same offence by him, or them committed, as is aforesaid.

Prouided also, and bee it enacted by the authority aforesaid, That this Act, nor any thing therein contained, shall not extend in any sort, to limit or restraine the power or iurisdiction of the High Court of Castle-Chamber in this Realme: but that that Court may at any time proceede to the punishment of any of the offences or misdemeanors, mentioned in this Act, according to their discretions: Any thing in this Act contained to the contrary notwithstanding.

CAP. XVI.

An Act concerning Women convicted of small Felonies.

WHereas by the Lawes of this Realme, the benefit of Clergie is not allowed to Women convicted of Felony, by reason whereof, many Women doe suffer death for small causes: Bee it enacted by the authority of this present Parliament, That any Woman being lawfully convicted by her confession, or by the verdict of twelve men, of, or for the Felonious taking of any Money, Goods, or Chattells, aboue the value of twelve pence, and vnder the value of ten shillings sterling, or as accessary to any such offence, the said offence being no Burglary, nor Robbery, in, or neere the high-way, nor the Felonious taking of any Money, Goods, or Chattells, from the person of any man or woman, privily, without his or their knowledge, but onely such an offence as in the like case a man might haue his Clergie, shall for the first offence be branded & marked in the hand, vpon the brawne of the left thumbe, with a hot burning Iron, hauing a Roman T vpon the said Iron, the

said

ſaid marke to be made by the Jaylor, openly in the Court, before the Judge, and alſo to be further puniſhed by impriſonment, whipping, ſtocking, or ſending to the houſe of Correction, in ſuch ſort, manner & forme, and for ſo long time (not exceeding the ſpace of one whole yeare) as the Judge, Judges, or other Juſtices, before whom ſhe ſhalbe ſo convicted, or which ſhall haue authority in the cauſe, ſhall in their diſcretions thinke meet, according to the quality of the offence, and then to be deliuered out of priſon for that offence: : Any law, cuſtome, or vſage to the contrary notwithſtanding.

CAP. XVII.

An Act for the puniſhment of ſuch as ſhall take away Maydens that be Inheritors, being within the age of *ſixteene yeares*, or marry them without the conſent of their Parents.

WHere Maydens, and Women-Children of Noblemen, Gentlemen & others, (aſwell ſuch as be Heires apparant to their Anceſtors, as others, hauing left vnto them by their Father, or other Anceſtor, or Friends, Lands, Tenements, and Hereditaments, or other great Subſtances, in Goods & Chattells moueable, for, and to the intent to aduance them in marriage, ſomewhat like according to their degrees, and as might bee moſt for their ſuretie and comfort, aſwell for themſelues, as of all their friends & kinſ-folkes,) by flattery, trifling guifts & faire promiſes, of many vnthrifty & light perſonages, and thereto by the intreatie of perſons of lewde demeanor, and others, that for rewards, buy & ſell the ſaid Maydens & Children, ſecretly allured & wonne, to contract Matrimony with the ſaid vnthriftie & light perſonages: And thereupon either with ſlight, or force, often-times be taken & conueyed away from their ſaid Parents, Friends, or kinſ-folkes, to the high diſpleaſure of Almighty God, diſparagement of the ſaid Children, and the extreame continuall heauineſſe of their Friends: which vngodly dealing, for lacke of wholeſome Lawes to the redreſſe thereof, remaineth a great, familiar, and common miſchiefe, in this our Common-wealth.

For remedie wherof, Bee it enacted by the Kings moſt excellent Maieſtie, the Lords Spirituall and Temporall, and the Commons of this preſent Parliament aſſembled, and by the authority of the ſame, That it ſhall not be lawfull to any perſon or perſons, to take or conuey away, or cauſe to be taken or conueyed away, any Mayde, or Woman-Childe vnmarryed, being within the age of ſixteene yeares, out of, or from the poſſeſſion, cuſtody, or gouer-

nance, and against the will of the Father of such Maide, or Woman-Childe, or of such person or persons, to whom the Father of such Maide or Woman-Childe, by his last Will & Testament, or by any other act in his life-time, hath, or shall appoint, assigne, bequeath, giue, or grant, the order, keeping, education, or gouernance of such Maide or Woman-Childe; except such taking & conveying away, as shalbe had, made, or done, by, or for such person or persons, as without fraude or couin, bee, or then shall bee the Master or Mistris of such Maide or Woman-Childe, or the Guardian in Socage, or Guardian in Chiualrie, of, or to such Maide, or Woman-Childe.

And bee it further enacted by the authority aforesaid, That if any person or persons, aboue the age of fourteene yeares, shall from & after the first day of May, next ensuing, after the end of this present Session of Parliament, vnlawfully take, or conuey, or cause to be taken or conueyed, any Maide or Woman-Childe, vnmarryed, being within the age of sixteene yeares, out of, or from the possession, and against the will of the Father or Mother of such Childe, or out of, or from the possession, against the will of such person or persons, as then shall happen to haue, by any lawfull wayes or meanes, the order, keeping, education, or gouernance, of any such Maide, or Woman-Childe: That then euery such person or persons so offending, being thereof lawfully attainted or conuicted by the order and due course of the Lawes of this Realme, other then such, of whom such person taken away, shall hold any Lands, or Tenements, by Knights seruice, shall haue & suffer imprisonment of his & their bodies, by the space of two whole yeares, without baile or mainprise, or else shall pay such Fine for his or their said offence, as shall bee assessed by the Councell of the Kings Highnes, his Heires, or Successors, in the Court of Castle-Chamber.

And bee it further enacted by the authority aforesaid, That if any such person or persons, after the said day, shall so take away, or cause to bee taken away, as is aforesaid, and deflowre any such Maide, or Woman-Childe, as is aforesaid, or shall, against the will, or vnknowing, of, or to the Father of any such Maide, or Woman-Childe (if the Father be in life) or against the will, or vnknowing, of, or to the Mother of any such Maide or Woman-Childe hauing the custody & gouernance of such Childe (if the Father be dead) by secret Letters, Messages, or otherwayes, contract Matrimony with any such Maide, or Woman-Childe, except such contract of Matrimony, as shalbe made by the consent of such person or persons, as by the title of Wardship, shall then haue, or bee intituled to haue, the Marriage of such Maide, or Woman-Childe; That then euery such person or persons so offending, being thereof lawfully conuicted, as is aforesaid, shall sufker imprisonment of his, or their bodies, by the space of five yeares, without baile or mainprise, or else shall pay such Fine for his or

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their ſaid offence, as ſhalbe aſſeſſed by the ſaid Councell in the ſaid Court of Caſtle-Chamber: The one moytie of all which Fines, ſhalbe to the Kings Maieſty, his Heires and Succeſſors: The other moytie to the parties grieued.

And bee it further enacted by the ſaid authority, That the Kings Highnes Honourable Councell of the Caſtle-Chamber, by Bill of complaint, or information, and Juſtices of Aſſize by Inquiſition or Indictment, ſhall haue authority by vertue of this Act, to heare & determine the ſaid offences: vpon euery which Indictments & Inquiſitions, ſuch proceſſe ſhalbe awarded, and lye, as vpon an Indictment of Treſpaſſe at the Common Law.

And further, Bee it enacted by the authority aforeſaid, That if any Woman-Childe, or Mayden, being aboue the age of twelue yeares, and vnder the age of ſixteene yeares, doe at any time conſent or agree to ſuch perſon, that ſo ſhall make any Contract of Matrimonie, contrary to the forme & effect of this Statute, That then the next of the kinne of the ſame Woman-Childe, or Mayde, to whom the Inheritance ſhould deſcend, returne or come, after the decreaſe of the ſame Woman-Childe, and Mayde, ſhall from the time of ſuch aſſent & agreement, haue, hold & enioy, all ſuch Lands, Tenements, & Hereditaments, as the ſame Woman-Childe, and Mayden, had in poſſeſſion, reuerſion, or remainder, at the time of ſuch aſſent & agreement, during the life of ſuch perſon, that ſo ſhall contract Matrimonie. And after the deceaſe of ſuch perſon ſo contracting Matrimonie, that then the ſaid Lands, Tenements, and Hereditaments, ſhall deſcend, revert, remaine & come, to ſuch perſon or perſons, as they ſhould haue done, in caſe this Act had neuer beene had, nor made, other then to him onely that ſo ſhall contract Matrimonie.

CAP. XVIII.

An Act for the ſwearing of Vnder-Sheriffes, and other Officers.

FOraſmuch as grieuous complaints are many times made, of the miſdemeanors & euill behauiour of Vnder-ſheriffes, who often-times hauing to them committed by the High Sheriffe, the whole, or part of the exerciſing, and executing of the Office of the High Sheriffe, and not taking any corporall Oath, as the High Sheriffe doth, for the executing & diſcharging of the ſame Office, doe therefore daylie, moſt iniuriouſly, through corruption & affection, impanell Jurors for the Kings Maieſty, and betwixt party & party, to the great loſſe, hinderance & damage of diuers his Maieſties louing Subiects of this Realme.

For reformation whereof, Bee it enacted by the authoritie of

nance, and against the will of the Father of such Maide, or Woman-Childe, or of such person or persons, to whom the Father of such Maide or Woman-Childe, by his last Will & Testament, or by any other act in his life-time, hath, or shall appoint, assigne, bequeath, giue, or grant, the order, keeping, education, or gouernance of such Maide or Woman-Childe; except such taking & conueying away, as shalbe had, made, or done, by, or for such person or persons, as without fraude or couin, bee, or then shall bee the Master or Mistris of such Maide or Woman-Childe, or the Guardian in Socage, or Guardian in Chiualrie, of, or to such Maide, or Woman-Childe.

And bee it further enacted by the authority aforesaid, That if any person or persons, aboue the age of fourteene yeares, shall from & after the first day of May, next ensuing, after the end of this present Session of Parliament, vnlawfully take, or conuey, or cause to be taken or conueyed, any Maide or Woman-Childe, vnmarryed, being within the age of sixteene yeares, out of, or from the possessiõ, and against the will of the Father or Mother of such Childe, or out of, or from the possession, against the will of such person or persons, as then shall happen to haue, by any lawfull wayes or meanes, the order, keeping, education, or gouernance, of any such Maide, or Woman-Childe: That then euery such person or persons so offending, being thereof lawfully attainted or conuicted by the order and due course of the Lawes of this Realme, other then such, of whom such person taken away, shall hold any Lands, or Tenements, by Knights seruice, shall haue & suffer imprisonment of his & their bodies, by the space of two whole yeares, without baile or mainprise, or else shall pay such Fine for his or their said offence, as shall bee assessed by the Councell of the Kings Highnes, his Heires, or Successors, in the Court of Castle-Chamber.

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their ſaid offence, as ſhalbe aſſeſſed by the ſaid Councell in the ſaid Court of Caſtle-Chamber: The one moytie of all which Fines, ſhalbe to the Kings Maieſty, his Heires and Succeſſors: The other moytie to the parties grieued.

And bee it further enacted by the ſaid authority, That the Kings Highnes Honourable Councell of the Caſtle-Chamber, by Bill of complaint, or information, and Juſtices of Aſſize by Inquiſition or Indictment, ſhall haue authority by vertue of this Act, to heare & determine the ſaid offences: vpon euery which Indictments & Inquiſitions, ſuch proceſſe ſhalbe awarded, and lye, as vpon an Indictment of Treſpaſſe at the Common Law.

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CAP. XVIII.

An Act for the ſwearing of Vnder-Sheriffes, and other Officers.

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For reformation whereof, Bee it enacted by the authoritie of

this preſent Parliament, That all & euery perſon & perſons, that from & after the firſt day of May next enſuing, ſhalbe admitted to, or take vpon him the executing of the Office of an Under-ſheriffe, in any Shire, or Countie, within this Realme of Ireland, before he intermeddle with the vſe or exercile of the ſaid Office, ſhall receiue & take a corporall oath vpon the holy Evangeliſts, before the Juſtices of Aſſize, or one of them of the ſame Circuite, wherein that Countie is, whereof he ſhalbe Under-ſheriffe, or before the Cuſtos Rotulorum, or two Juſtices of the Peace, whereof one to be of the Quorum of the ſaid Countie, whereof he ſhall be Under-ſheriffe, as aforeſaid, which Oath ſhalbe as followeth: That is to ſay, I A. B. ſhall not vſe or exercile the Office of Under-ſheriffe corruptly, during the time that I ſhall remaine therein, neither ſhall or will accept, receiue, or take, by any colour, meanes, or deuice whatſoeuer, or conſent to the taking of any manner of Fee, or reward of any perſon or perſons, for the impannelling or returning of any Inqueſt, Jury, or Tales, in any Court of Record for the King, or betweene party and party, aboue two ſhillings, or the value thereof, or ſuch Fees as are allowed and appointed for the ſame, by the Lawes & Statutes of this Realme, but will, according to my power, truely & indifferently, with conuenient ſpeed, impannell all Iurors, and returne all ſuch writ or writs, touching the ſame, as ſhall appertaine to be done by my duty or office, during the time that I ſhall remaine in the ſaid Office: So helpe me God.

And likewiſe bee it enacted by the authority aforeſaid, That this Act ſhalbe a ſufficient warrant to the perſons appointed by this Act, to miniſter the Oath aforeſaid, for the miniſtring thereof accordingly.

And bee it further enacted by the authority aforeſaid, That euery Under-ſhiriffe that is already choſen, and appointed, for the executing of the ſaid Office of Under-ſheriffe, for the yeare or time begunne, of, or vpon the laſt change of Sheriffes, ſhall within forty dayes, next after the end of this preſent Seſſion of Parliament, receiue and take the Oath mentioned in this Act, before ſuch perſon or perſons, as by this Act, is, or are limitted and appointed to miniſter the ſame.

And be it further enacted by the authoritie aforeſaid, That euerie Bayliffe of Franchiſes, Deputie, and Clearke of euery Sheriffe, and Under-ſheriffe, and euerie other perſon and perſons, which after forty dayes, after the end of this preſent Seſſion of Parliament, ſhall haue authority, or take vpon him to impannell, or returne any Inqueſt, Jury, or Tales, or to intermeddle with Execution of Proceſſe in any Court of Record, ſhall before he or they intermeddle with any further Execution thereof, receine & take the Oath aforeſaid, corporally, before the perſon or perſons, appointed by this Act to miniſter the ſame, or before

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the Head Officer of the place, if it be a Towne Corporate, changeing onely the word, and the Office of Under-sheriffe, contained in the Oath expressed in this Act, to such words as are convenient for the Deputation, Office, or place, in which the party which taketh the Oath, is to be exercised in. And if any the said persons limited to take the Oath aforesaid, doe take vpon him to impannell, or returne any Inquest, Jury, or Tales, or to intermeddle with the execution of process, not having before taken the Oath aforesaid, That then every such person shall loose & forfeit the summe of forty pounds of currant English Money: The one moytie to be to the vse of our Soueraigne Lord the King: The other moytie to him or them that will sue for the same.

And bee it further enacted by the authority aforesaid, That if any Sheriffe, or other person mentioned in this Act, or any of them, at any time or times, from, and after forty dayes, next ensuing the last day of this present Parliament, shall doe, or commit any Act or Acts, contrary to the Oath aforesaid, or contrary to the true intent & meaning of this Act, That then every such person so offending, shall forfeit & loose for every such offence, to the party or parties grieued, his, or their treble damages. All which seuerall forfeitures before mentioned, shall, or may, by the authority of this present Act, be recouered, had, and levyed, by action of debt, bill, plaint, or information, in any of the Kings Maiesties Courts of Record: In which Actions, Suits, Plaints, or Informations, no wager of Law, Essoyne, or Protection shalbe allowed.

And bee it further enacted by the authority aforesaid, That the Justices of Assize, and Justices of Peace in their open Sessions, shall haue full power within the limits of their authority, to heare & determine the defaults done, contrary to this Act, aswell by presentment and information, as indictment, and vpon Conviction of the Offendors, to award Execution, for the levye of the forfeitures aforesaid, by Fieri facias, Attachment, Capias, or Exigent.

CAP. XIX.

¶ An Act to prevent Extortions in Sheriffes, Vnder-Sheriffes, and Bayliffes of Franchises and Liberties, in cases of Execution.

BEe it enacted by the authority of this present Parliament, that it shall not be lawfull frō the first day of May next ensuing, to, or for any Sheriff, Under-sheriff, Bayliff of Franchises, or Liberties, nor for any of their Officers, Ministers, Seruants, Bayliffs or Deputies, nor for any of them, by reason or colour of their, or

any of their Office or Offices, to haue, receiue, or take, of any person or persons whatsoeuer, directly, or indirectly, for the seruing or executing of any Extent or Execution, vpon the body, lands, goods, or chattells of any person or persons whatsoeuer; more, or other consideration or recompence, then in this present Act is, and shalbe limited & appointed, which shalbe lawfull to be had, receiued & taken, That is to say, Twelve pence, of, and for euery Twenty shillings, where the summe exceedeth not one hundreth pounds: and six pence for euery Twenty shillings, being ouer and aboue the said summe of one hundred pounds, that he, or they shall so levye or extend, and deliuer in execution, or take the body in execution for, by vertue and force of any such extent or execution whatsoeuer, vpon paine and penaltie, that all and euery Sheriffe, Undersheriffe, Bayliffe of Franchises, or Liberties, their, and euery of their Ministers, Seruants, Officers, Bayliffes, or Deputies, which at any time after the said first day of May, shall directly, or indirectly, doe the contrary, shall loose & forfeit to the party grieued, his treble damage, and shall forfeit the summe of forty pounds, of good & lawfull English Money, for euery time that he, or they, or any of them, shall doe the contrary: The one moytie thereof to be to our Soueraigne Lord the Kings Maiestie that now is, his Heires & Successors, and the other moytie to the party or partyes that will sue for the same, by any plaint, action, bill, suite, or information, wherein no Essoyne, wager of Law, or Protection shall be allowed.

CAP. XX.

An Act against such as shall levie any Fine, suffer any Recovery, knowledge any Statute, Recognizance, Baile, or Iudgment, in the name of any other person or persons, not being privy, and consenting thereto.

WHereas it is of late, growne to bee a great & generall grieuance to his Maiesties Subiects within the Realme of Ireland, That many lewde persons of base condition, for very litle reward or recompence, haue of late yeares vsed, and still doe vse to levy Fines, and suffer Recoueries of Lands, and other Hereditaments, to knowledge Statutes, Recognisances, Bayles & Iudgments, in the name or names of any other person or persons, not privy, or consenting to the same, which hath, and daylie doth turne to the great Inquietation, charge, trouble & vndoing of many of the good Subiects of this Kingdome. And the rather

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for that there is no remedy in law, to reform these & the like abuses.

For remedie wherof, Bee it enacted by the Kings most excellent Maiesty, the Lords Spirituall & Temporall, and Commons in this present Parliament assembled, and by the authority of the same, That all & euery person & persons, which at any time after the end of this present Session of Parliament, shall acknowledge, or procure to be acknowledged, any fine or fines, recouery or recouerys, deed or deeds inrolled, statute or statutes, recognisance or recognisances, baile or bailes, iudgmēt or iudgmēts, in the name or names of any other person or persons, not privy & consenting to the same, and being therof lawfully cōvicted or attainted, shalbe adiudged, esteemed & taken to be Felons, and suffer the paines of death, and incurre such forfeitures & penalties, as Felons in other cases convicted or attainted, doe by the Lawes of Ireland, lose & forfeit, without the benefit or priviledge of Clergy, to be allowed to any such offendor, or offendors.

Prouided alwayes, that such attaindor, shall not be any corruption of blood, nor losse of dower to the wife, but the next heire shall haue the lands, whereof such persons attainted, dyed seised, and such wife her dower, as if no such attaindor had beene had.

Prouided alwayes, and bee it likewise enacted by the authority aforesaid, That this Act shall not extend to any iudgmēt or iudgmēts acknowledged by any Attourney or Attourneyes of Record, for any person or persons, against whom any such iudgment or iudgments shalbe had or giuen.

CAP. XXI.

An Act whereby certaine of the Nobility of this Kingdome of Ireland, dwelling within England, or elsewhere, out of this Realme, are made lyable vnto certaine charges within this Kingdome.

WHereas it hath pleased our late most gracious Soueraigne Lord King Iames of blessed memory, as also the Kings most excellent Maiesty that now is, out of their Princely wisdomes, and of their meere grace & fauor, to cōferre vpō seuerall able, worthy & well-deseruing persons, inhabiting, or dwelling in England & elswhere, out of this Kingdom, Titles of honor amōgst the Nobility of this Kingdome of Ireland, wherby they doe enioy place & precedēcie, according to those titles respectiuely; So it cannot be denyed, but that in a iust way of retributiō, they ought to cōtribute to all publique charges & payments, taxed by Parliament in this Kingdome, from whence the titles of their Honors are deriued, and whereunto others of their rank here resident, are lyable.

Bee it therefore enacted by the Kings most excellent Maiestie, the Lords Spirituall & Temporall, & the Cōmons in this present Parliament assembled, and by the authority of the same, That all & euery person & persons, now being, or which hereafter shalbe an Earle, Viscont, or Baron of this Kingdome, and haue place & voice in the Parliament of this Realme, though resident, or dwelling in Eng-

England, or elſwhere, ſhalbe lyable to all publique payments, and charges which ſhalbe tared or aſſeſſed in this preſent Parliamẽt, or in any other Parliamẽt hereafter to be aſſembled in this Kingdome, or by authority of the ſame Parliaments, or any of them, and ſhall from time to time contribute thereunto, and pay their ratable parts thereof, in ſuch manner and forme, as others of their ranke, reſident in this Kingdome, are lyable vnto, or ſhall pay.

CAP. XXII.

An Act to repeale a Statute made in the twelueth yeare of King Edward the fourth, concerning bringing Bowes into this Realme.

WHereas by an Act of Parliament, made in the twelueth yeare of King Edward the fourth, entituled, An Act for bringing Bowes into this Realme, frõ the Realme of England, by Merchants & others: It is ordained & enacted: (That euery Merchant & Paſſenger, that bring merchãdiſes into this Land of Ireland, out of England, to the ſumme of one hundred pounds, that he ſhall buy & bring with him into the ſaid Land, in Bowes, to the value of one hundred ſhillings, and ſo following after the rate, vnder, or ouer, to the ſumme of twenty pounds. And if any Merchant or Paſſenger, bring any merchandize into the ſaid Land, and bring with him no Bowes, as is afore rehearſed, that the ſaid Merchant ſhall loſe & pay the value of the ſaid Bowes, the one moytie therof to the King, and the other moytie to the ſearchers of the ſame, for the time being: and that the ſaid ſearchers may haue an action of debt againſt the ſaid perſõs therfore, in any Court that the King hath, aſwell for the King, as for the ſaid ſearchers. And that the Bayliffs of the City of Dublin for the time being, be ſearchers of the ſame, within the Franchiſes of the ſaid City, and that the Sheriffs of the town of Drogheda, in like manner vpon the ſame, within the franchiſes of the ſaid Town, and ſo in like manner the officers of the ſame in euery City & Town within this Land of Ireland: And if the ſaid ſearchers in any City & Towne, within this ſaid Land, be negligent in exerciſing of the ſaid ſearch, that they ſhall loſe to the King for euery default forty ſhillings, as by the ſaid Act more at large appeareth.)

Foraſmuch as the cauſe of making of the ſaid Act is now vtterly ceaſed, for that the vſe of Bowes is not ſo needfull now, as it was at the time of the making of the ſaid Act: And for that if ſuch ſtore of Bowes ſhould be brought into this Realme as by the ſaid Act is required, there would be no vent nor vtterance for the ſame: Bee it enacted by the authority of this preſent Parliamẽt, That the ſaid Act for bringing in of Bowes, in manner & forme aforeſaid, and the forfeiture of the value of the ſaid Bowes, and the power therby giuen to the ſearchers, to haue an action of debt, for the value of the ſaid Bowes, againſt ſuch perſõs as failed to bring in the ſame, in any of the Kings Courts, aſwell for the King, as for the ſearchers, and all & euery branch, clauſe & article in the ſaid Act contained, be repealed and made vtterly voyde, and of none effect, to all intents and purpoſes.

CAP. XXIII.

CAP. XXIII.

¶ AN ACT FOR THE GRANTING OF EIGHT ENTIRE SVBSIDIES BY THE PRELATES AND CLEARGIE OF IRELAND.

WHere the Prelates and Cleargie of the Kingdome of Ireland, for diuers weighty considerations, respecting his Maiesties extraordinary occasions, haue louingly and liberally, giuen and granted to the Kings most excellent Maiestie, Eight whole and entire Subsidies, of Foure shillings **in the pound, to be taken and levyed of all and singular their promotions spirituall, within the same Kingdome, at such dayes and times, and in such certaine manner and forme, and with such exceptions & provisions, as bee specified and declared in a certaine Instrument by them thereof made, and deliuered to the Lord Deputie, vnder the Seale of the most reverend Father in God,** Iames, **Lord Archbishop of Armagh, and Primate of all Ireland; which Instrument is now exhibited in this present Parliament, to be ratified and confirmed: The tenor whereof ensueth in these words,** viz.

Illustrissimo ac potentissimo Principi, ac Domino nostro clementissimo, CAROLO Dei gratiâ, Angliæ, Scotiæ, Franciæ, & Hiberniæ Regi, fidei defensori &c. *Iacobus* diuinâ prouidentiâ *Armachanus* Archiepiscopus, totius Hiberniæ Primas & Metropolitanus, cum omni obseruantiâ tanto Principi debitâ, prosperum in hâc vitâ successum, & in futurâ, æternam fœlicitatem. Serenissimæ vestræ Majestati, per publicum hoc instrumentum, notum facimus: Quod Prælati & Clerus totius Hiberniæ, in sacrâ Synodo Nationali, jussu serenissimæ Majestatis vestræ, in Ecclesiâ Cathedrali sancti *Patricij* Dublinij, legitimè congregati, recolentes multa illa & summa beneficia, quæ communiter cum cæteris subditis vestris percipiunt (veluti sunt puræ religionis exercitium, justitiæ administratio, publicâque pax, in quâ omnium bonorum affluentia continetur,) & multò magis singularem Majestatis vestræ zelum erga decorem domus Dei, & hæreditariam

illam munificentiam, quâ ordinem Eccleſiaſticum, Regia Majeſtas veſtra, paternis inſiſtens veſtigijs, proſequitur: non modò Deo Optimo Maximo, humillimas pro vobis gratias agendas, & aſſiduas preces pro Regni veſtri tranquillitate fundendas, ſed etiam gratitudinem ſuam aliquo indicio Regiæ veſtræ ſublimitati teſtificandã duxerunt, & octo integra & ultronea Subſidia, unanimi conſenſu, nemine prorſus diſſentiente, Regiæ veſtræ ſublimitati alacriter conceſſerunt; ſupplicitèr Majeſtatem veſtram rogantes, ut ex affectus largitate, potiùs quàm rei ipſius tenuitate, hoc officium ſuum metiatur. Tenor verò conceſſionis prædictæ, ſe habet in hunc qui ſequitur modum.

Moſt gracious and dread Soueraigne, wee your Maieſties moſt loyall Subiects, the Prelates and Cleargy of this Church & Kingdome of Ireland, called together out of the ſeuerall Prouinces of Armagh, Dublin, Caſhell, and Tuam, by the authority of your Highnes Writ, and orderly aſſembled in a Nationall Synode, or Conuocation, being lately dejected & depreſſed to the loweſt degree of miſery & contempt, by the warres and confuſion of former times, hauing our Churches ruined, our Habitations left deſolate, our Poſſeſſions alienes, our Perſons ſcorned, our very liues hourely ſubiect to the bloody attempts of rebellious Traytors. And now by the piety and bounty of your bleſſed Father, and by the gracious influence of your ſacred Maieſty, being new enlived, and beginning to lift vp our heads out of darknes & obſcurity, doe freely acknowledge to your immortall glory, before God and the whole Chriſtian world, That as no Church vnder Heauen did euer ſtand more in neede, ſo none did euer finde more royall and munificent Patrons and Protectors, then the poore Church of Ireland. You haue not onely made reſtitution of that which the iniquity of former Ages had bereft vs of; but alſo as though you intended to expiate their faults, enriched vs with new and Princely endowments: All which great Fauours, doe yet become more ſweet vnto vs, whilſt we entertaine them as pledges of your future vnexhauſted goodnes: And if we doe not ſeriouſly endeauour throughout our whole liues, to make vnfayned expreſſions of true loyaltie and thankfulneſſe to your ſacred Maieſty, wee deſerue to be condemned by men, and puniſhed by God, as monſters of ingratitude. To which infinite obligations, and many others, wee may adde your Maieſties ineſtimable goodnes, in prouiding for vs your preſent Deputy, Thomas Viſcount Wentworth, a Gouernour ſo iuſt, carefull, prouident & propitious to the Church. Wherefore conſidering the vaſt expence of Treaſure by your Maieſty, and your Predeceſſors, for the protection and eſtabliſhment of this Church and Kingdome, Wee the Prelates and Cleargie aſſembled in this Nationall Synode, whoſe dependance (vnder God) is wholly vpon your Maieſtie: not as though our weakenes were able to contribute any thing worthy of the fauourable acceptance of ſo great and puiſſant a Monarch; but as an exemplary

exemplary teſtimony of our loyall affection: Wee your ſaid Prelates & Cleargie, with a generall and vnanimous conſent, agreement, and accord, moſt willingly and readily, haue giuen & granted, and by theſe preſents doe giue and grant, to your Highnes, your Heires and Succeſſors, Eight entire Subſidies, of Foure ſhillings in the pound, in manner and forme following; That is to ſay: That euery Archbiſhop, Biſhop, Deane, Archdeacon, Provoſt, Maſter of Colledge, Prebendary, Parſon, and Vicar, and euery other perſon and perſons, of whatſoeuer name or degree, hee or they bee, within the Realme of Ireland, hauing & enioying any Spirituall promotion, or other Temporall poſſeſſiõs to the ſame Spirituall promotion annexed, now not diuided or ſeparated by Act of Parliament, or otherwiſe, from the poſſeſſion of the Cleargie, ſhall pay to your Highnes, your Heires & Succeſſors, for euery pound that he may yearely receiue and diſpend, by reaſon of the ſaid Spirituall promotion, the ſumme of Foure ſhillings for euery of the ſaid Eight Subſidies, and for the true and certaine value of all the promotions, and euery of them, whereof the payment of theſe Eight Subſidies ſhalbe made, the rate, taxation, valuation, and eſtimation, now remaining of Record in your Maieſties Court of Exchequer, and that hereafter ſhall come and remaine in the ſame Court, where no former valuation is there of Record already for the payment of the twentieth part, granted vnto King Henry the eight of worthy memory, in the eight & twentieth yeare of his reigne, concerning ſuch promotions as now be in the poſſeſſion of the Cleargie, ſhall onely be followed and obſerued, without making any other valuation, rate, taxation, or eſtimation, then in the ſaid Records is, and ſhalbe reſpectiuely comprized.

Prouided alwayes, That foraſmuch as the twentieth part of the ſaid rate and valuation before mentioned, is yearely payed to your Highnes, ſo as there remaines onely nineteene parts yearely to the Incumbent cleare: Theſe Eight Subſidies of Foure ſhillings in the pound, ſhalbe vnderſtood and meant onely of euery full pound of the ſaid nineteene parts, and nothing for any other money, not amounting to a full pound. And your Prelates & Cleargie doe alſo grant, That theſe Eight Subſidies of Foure ſhillings of the full pound of the nineteene parts of the yearely value of euery Spirituall promotion aforeſaid, within the ſaid Kingdome, taxed and to be taxed, as is aforeſaid ſhalbe payed to your Maieſty, your Heires and Succeſſors, in manner and forme following: That is to ſay, The firſt payment and moytie of the firſt of theſe Eight Subſidies, viz. Two ſhillings of euery full pound, as aforeſaid, to be due, at, and vpon the firſt day of Aprill, which ſhall be Anno Domini, one thouſand ſix hundred thirty five. And the ſecond payment and moytie of the firſt of the ſaid Eight Subſidies, vix. other two ſhillings of euery full pound, as aforeſaid, to be due, at & vpon

the firſt day of October, which ſhalbe Anno Domini one thouſand ſix hundred thirty five. And the firſt payment and moytie of the ſecond of the ſaid Eight Subſidies, viz. Two ſhillings of euery full pound, as afoꝛeſaid, to be due, at, and vpon the firſt day of Apꝛill, which ſhalbe Anno Domini one thouſand ſix hundred thirty ſix: And the ſecond payment and moytie of the ſecond of the ſaid Eight Subſidies, viz. Two ſhillings of euery full pound, as afoꝛeſaid, to be due, at, and vpon the firſt day of October, which ſhall be Anno Domini one thouſand ſix hundred thirty ſix. And the firſt payment and moytie of the third of the ſaid Eight Subſidies, viz. Two ſhillings of euery full pound, as afoꝛeſaid, to be due, at, and vpon the firſt day of Apꝛill, which ſhalbe Anno Domini one thouſand ſix hundred thirty ſeaven: And the ſecond payment and moytie of the third of the ſaid Eight Subſidies, viz. Two ſhillings of euery full pound, as afoꝛeſaid, to be due, at, and vpon the firſt day of October, which ſhalbe Anno Domini one thouſand ſix hundred thirty ſeaven. And the firſt payment & moytie of the fourth of the ſaid Eight Subſidies, viz. Two ſhillings of euery full pound, as afoꝛeſaid, to be due, at, and vpon the firſt day of Apꝛill, which ſhalbe Anno Domini one thouſand ſix hundred thirty eight: And the ſecond payment and moytie of the fourth of the ſaid Eight Subſidies, viz. Two ſhillings of euery full pound, as afoꝛeſaid, to be due, at, and vpon the firſt day of October, which ſhalbe Anno Domini one thouſand ſix hundred thirty eight. And the firſt payment and moytie of the fift of the ſaid Eight Subſidies, viz. Two ſhillings of euery full pound, as afoꝛeſaid, to be due, at, and vpon the firſt day of Apꝛill, which ſhalbe Anno Domini one thouſand ſix hundred thirty nine: And the ſecond payment and moytie of the fift of the ſaid Eight Subſidies, viz. Two ſhillings of euery full pound, as afoꝛeſaid, to be due, at, and vpon the firſt day of October, Anno Domini one thouſand ſix hundred thirty nine. And the firſt payment and moytie of the ſixt of the ſaid Eight Subſidies, viz. Two ſhillings of euery full pound, as afoꝛeſaid, to be due, at, and vpon the firſt day of Apꝛill, Anno Domini one thouſand ſix hundred and forty: And the ſecond payment and moytie of the ſixt of the ſaid Eight Subſidies, viz. Two ſhillings of euery full pound, as afoꝛeſaid, to be due, at, and vpon the firſt day of October, Anno Domini one thouſand ſix hundred & forty. And the firſt payment and moytie of the ſeauenth of the ſaid Eight Subſidies, viz. Two ſhillings of euery full pound, as afoꝛeſaid, to be due, at, and vpon the firſt day of Apꝛill, which ſhalbe Anno Domini one thouſand ſix hundred forty one: And the ſecond payment and moytie of the ſeauenth of the ſaid Eight Subſidies, viz. Two ſhillings of euery full pound, as afoꝛeſaid, to be due, at, and vpon the firſt day of October, which ſhalbe Anno Domini one thouſand ſix hundred forty one. And the firſt payment and moytie of the eight and laſt of the ſaid Eight Subſidies, viz. Two ſhillings of euery full pound, as

afoꝛeſaid,

aforesaid, to be due, at, and vpon the first day of Aprill, which shall be Anno Domini one thousand sixhundred forty two: And the second and last payment and moytie of the eight and last of the said Eight Subsidies, viz. Two shillings of euery full pound, as aforesaid, to be due, at, and vpon the first day of October, which shall be Anno Domini one thousand six hundred forty two. To be deliuered and payed by such person and persons, as in this present grant shalbe appointed to haue the collection thereof, to the Vicetreasurer, or generall Receiuer of this your Realme of Ireland, for the time being, or to such person or persons, and in such place or places as shall please your Highnes, to appoint to bee payed: viz: euery of the aforesaid payments, which shalbe due vpon the first day of Aprill, in any of the yeares aforesaid, to bee made at or before the last day of June, then next following euery of the aforesaid dayes, in which euery of the said payments shalbe due. And euery of the aforesaid paymēts, which shalbe due vpon the first day of October, in any of the yeares aforesaid to be made, at or before the last day of December next following euery of the aforesaid dayes, when the said payments shalbe due, without paying any thing to the Receiuer, or to any other officer or person to bee assigned for the receipt thereof, for any acquittance or other discharge or dispatch vpon any such payment or receipt of the said Eight Subsidies, or any part thereof, but onely foure pence, and that to the Clearke, for writing the acquittance or discharge for euery of the said payments.

Prouided alwayes, that no person that is or shalbe promoted to any Benefice or spirituall promotion, and shall compound with your Maiesty, your Heires or Successors, for the first fruits of the same, from the first day of Aprill, which shalbe in the yeare of our Lord God, one thousand six hundred thirty five: And before the first day of October, which shallbe in the yeare of our Lord God, one thousand six hundred forty two, shalbe contributary or charged for the same Benefice or promotion, to your Highnes, your Heires or Successors, with any part of the said Eight Subsidies during the first yeare, after the time of any such compounding, for his first fruits. Item your Highnes said Prelates & Clergie doe grant, that euery Archbishop, Bishop, and (the See being voyde) euery Deane & Chapter of that See voyde, and none other person or persons, shalbe Collectors of the said Eight Subsidies, within their proper Diocesse, during the time appointed, for the payment of the said Eight Subsidies. And your said Prelates and Clergie doe most humbly beseech your Maiestie, that it may be enacted by your Maiesty & your high Court of Parliament, for the speedy payment of the said eight Subsidies, & to avoyde delayes thereof, That when, and as often as any Collector or Collectors, charged with the collection of the said eight Subsidies, or of any part of them, or their, or any of their vnder-collector or vnder-collectors,

Deputy or Deputies, or any of them, shall offer the payment of them, or any part of them, to the vse of your Maiestie, your Heires or Successors, to any person or persons appointed to receiue the same, by your Highnes, or by the Vice-treasurer or generall Receiuer, That the said person or persons, so appointed, shall within foure dayes next after such appointment, receiue or cause to be receiued, the money so offered, to be payed without any further delay: and deliuer one sufficient Bill, testifying the receipt thereof to the said Collector, or his vnder-Collector or Deputie, vpon euery such particular payment. And that euery such Auditor as is or shalbe appointed to take or receiue the accompt of any such Collector or Collectors, or of their seuerall vnder-Collectors or Deputies, shall within six dayes next after request to him to bee made, truely and indifferently, take the said accompt, and make allowance, as by this grant is appointed, vpon paine that euery such person or persons appointed to receiue the same summe or summes of money so offered, and euery such Auditor shall loose & forfeite for euery default or delay to bee made to the Collector or Collectors, vnder-Collector or vnder-Collectors, Deputie or Deputies so offering to make payment & accompt, as is aforesaid, the summe of ten pounds, lawfull money of Ireland. The one moytie thereof to be to your Maiesty, your Heires and Successors: And the other moytie to the said Collector or Collectors, vnder-Collector or vnder-Collectors, Deputie or Deputies so grieued, the same to be payed vpon complaint to be made to the said Vice-treasurer or generall Receiuer, or to the Lord Chiefe Baron of your Maiesties Court of Exchequer, who vpon such complaint, shall presently examine the matter, and finding default, shall commit the offendor to Ward, there to remaine, vntill he shall haue payed the said seuerall summes so forfeited. And for the better levying and recouerie of the said Eight Subsidies, your said Prelates and Cleargie, doe likewise most humbly beseech your Maiestie, that it may bee enacted by your Maiesty, and the said high Court of Parliament, in manner and forme following: That is to say, That euery Collector of the said Eight Subsidies, and of euery part and parcell thereof, and their lawfull vnder-Collector and vnder-Collectors, Deputie or Deputies, may haue full power and authority to vse all such wayes, and meanes, and processes, as be prescribed in the Act of the twentieth part, for the collection & levying thereof, and may make accompt of the same before the Vice-treasurer of Ireland, for the time being, or generall Receiuer of your Highnes Reuenew of this Kingdome of Ireland, or any other Officer by your Highnes, or your Court of Exchequer, to bee appointed for the same, and in such place as your Maiesty shall likewise assigne in such wise, and after such forme onely, as the said Arch-Bishop and Bishops be now charged to make accompt for the said twentieth part, whereby is meant, that the lacke and default of payment of

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and for any ſpirituall promotion or promotions, ſhall only charge ſuch Incumbent or Incumbents, and ſuch others as be bound to pay the ſame: And that the Arch-biſhop, Biſhop, Deane & Chapter, gathering that which they can receiue, and making payment thereof, ſhall for the reſt, not by them receiued, bee diſcharged by their certificate to be made to your Highnes Court of Exchequer, for euery of the aforeſaid payments, which ſhall be due vpon the firſt day of Aprill, in any of the aforeſaid yeares, at, or before the laſt day of June, next following euery of the aforeſaid dayes, when euery of the ſaid payments ſhalbe due: And for euery of the aforeſaid payments, which ſhalbe due vpon the firſt day of October, in any of the aforeſaid yeares, at or before the laſt day of December, next following euery of the aforeſaid dayes, when the ſaid payments ſhalbe due: And that ſix pence of euery pound, wherewith the Collector ſhalbe charged in his accompt, clearely to bee payed into the Receipt of your Maieſties Exchequer, or into ſuch other place as ſhall pleaſe your Highnes to appoint, ſhall be allowed to the ſaid Collector vpon his accompt for the ſame, at euery of the aforeſaid ſeuerall times of payment for the charges of the ſaid Collection, portage, ſafe conueying, and paying of the ſaid Eight Subſidies: And moreouer that it may be enacted likewiſe, That after any payment of the ſaid Eight Subſidies, ſhalbe once due by vertue of this grant, if any Incumbent of any benefice or promotion ſpirituall, charged to the payment of any of the ſaid Eight Subſidies, or any part thereof, being at any time after that the ſaid payments ſhalbe due, lawfully moniſhed, either perſonally, or at his Dignitie, Hall, Church, or Manſion-houſe, by the Arch-Biſhop, Biſhop of his Dioceſſe, or his vnder-Collector or vnder-Collectors, Deputie or Deputies, or by the Deane & Chapter (the See being voide) or by any of their vnder-Collector or vnder-Collectors, Deputie or Deputies, authorized in that behalfe, to appeare by himſelfe, or his Deputie, at a certaine day & place of conuenient diſtance to the ſaid Incumbent, then to be ſignified & preſixed, and then & there to pay ſuch part of the ſaid eight Subſidies, for his Benefice or promotion ſpirituall, or the whole, as then by vertue of this grant ſhalbe due: doe not either at the ſame day & place ſo to him ſignified & preſixed, truely content and pay, or cauſe to be contented & payed, ſuch payments of the ſaid eight Subſidies, as then by him ſhalbe due to be payed vnto the ſame Arch-Biſhop, or Biſhop, or to his vnder-Collector, or vnder-Collectors, Deputy or Deputies, or to the Deane & Chapter of any See being voide, or to their vnder-Collector or vnder-Collectors, Deputie or Deputies, or to one of them, ſhewing ſufficient deputation from the ſaid Arch-Biſhop, Biſhop, or Deane and Chapter, vnder his or their Seale in that behalfe, being ready at the ſaid day & place ſo ſignified and preſixed, to receiue any payment of the ſaid Eight Subſidies then due, and openly demaunding the ſame, or elſe pay

euery of the payments of the ſaid Eight Subſidies, giuen by this grant within fifty dayes, next after any ſuch preſixed dayes of warning, at the furtheſt, (ſo that open demaund be made of euery of the ſaid payments of the ſaid eight Subſidies, in, and at the ſaid day and place before preſixed) that then euery Incumbent, ſo making default of any of the payments aforeſaid, which ſhalbe due from him for any of the parts of the ſaid Eight Subſidies, as aforeſaid; after ſuch default thereof certified into your Maieſties Exchequer, in writing, vnder the Seale and hand-writing of any Arch-Biſhop, or Biſhop, or the Common Seale of the Deane and Chapter, (the See being voyde) charged with the Collection of the ſaid Eight Subſidies, or of any part of them, ſo that the ſaid Certificate ſhalbe made according to the forme hereafter expreſſed and exhibited into your Maieſties ſaid Court of Exchequer, viz. For euery of the aforeſaid payments of the ſaid Eight Subſidies, which ſhalbe due the firſt day of Aprill, in any of the aforeſaid yeares, at or before the laſt day of June, next following euery of the aforeſaid dayes, when euery of the ſaid payments ſhall be due: And for euery of the aforeſaid payments which ſhalbe due vpon the firſt day of October, in any of the aforeſaid yeares, at, or before the laſt day of December, next following euery of the aforeſaid dayes, when the ſaid payments ſhalbe due, as aforeſaid: Shall forfeit & looſe vnto your Maieſty, your Heires and Succeſſors, all the profits which of that onely Dignity, benefice, or promotion, for the which he maketh ſuch default of payment, and wherefore ſuch certificate ſhalbe made, ſhall come, grow and ariſe vnto him, ouer and aboue the charges of ſeruing the cure, and the true and annuall twentieth part due to be payed out of his liuing, in one whole yeare next after ſuch certificate made & deliuered vnto your Highnes Court of Exchequer, and there admitted, in caſe the ſame Incumbent ſhall ſo long liue, and that euery ſuch certificate of any ſuch default of payment, ſhalbe made according to the tenor and effect enſuing, *mutatis mutandis.* Honorabilibus & egregijs viris vice-theſaurar' & Baronibus de Scaccario illuſtriſſimi Domini noſtri Caroli Dei gratia Angliæ, Scotiæ, Franciæ, & Hiberniæ Regis, fidei defenſor' &c. veſter humilis I. permiſſione divinâ A: Epiſcopus; authoritate et vigore cujuſdam Actus Parliament' Anno regni dicti Domini Regis decimo, editi et proviſi ad colligendum et levandum octo Subſidia eidem Domino Regi in eodem Parliamento, per Prelatos et Clerum totius Hiberniæ conceſſa, viz. pro prima ſolutione primi Subſidij ſolvend' primo die Aprilis, ultim' præterit' infra Dioceſyn noſtrã. A: deputat' et authorizat' omnimodã reverentiã tantis viris debitam cum honore veſtr' Reverentijs harum ſeriè annuncio et certifico me præfat' Epiſcopum (modo quo profertur) deputat' et authorizat' ſufficien' et cum omni diligentiâ requiſiviſſe per N. O. ſubcollectorem, ſeu deputat' meum in hac parte, de quovis beneficio et promotione Eccleſiaſticâ, in quadam ſcedula præſentibus annexa, ſpecificat

cificat' ſummas dictæ primæ ſolutionis dicti Subſidij, pro dictis beneficijs & promotionibus debit' & ſolvend' dicto primo die Aprilis ult' præterit', prout in eadem ſcedula præſentibus annexa, plenius liquet & apparet: Sed dictas ſummas ex cauſis in eadem ſcedul' allegatis, recipere non potui. In cujus rei teſtimonium, ſigillum meum præſentibus appoſui, dat' die Menſis Anno Domini

The forme of which Scedule aboue mentioned enſueth. Civitas. D. vel decanat' de A.B. Rector vel Vicar' ibidem monitus fuit apud prædict' die ultimo præterit' per ſubcollectorem ſeu deputat' meum, ad ſolvend' apud Eccleſiam de in Com- die prox' ſequen' ſolutionem, ſive illam partem dicti Subſidij per ipſum debitum primo die Aprilis ultimo præterit' pro promotione ſuâ prædict'. Sed prædictus A.B. nec apud Eccleſiam de præd' eodem die nec alibi per quinquaginta dies, poſtea ſummam per ipſum debitam ut profertur, ſolvit vel ſatiſfecit, neque dict' ſummam de proficuis dict' promotionis, nec de bonis & catallis dict' aliquo modo levare ſive recipere potui.

Prouided alwayes, that if any perſon or Incumbent, chargeable by this Act or grant, to any payment of the ſaid Eight Subſidies, or any part thereof, ſhall proffer or tender any payment of any ſumme due to the Archbiſhop or Biſhop, or to the Deane and Chapter where the See is voyde, or to any vnder-Collector or vnder-Collectors, Deputie or Deputies of any Archbiſhop, Biſhop, or Deane and Chapter aforeſaid, at any time before the certificate exhibited into the Exchequer, as is aforeſaid: That then notwithſtanding the Certificate made, as is aforeſaid, againſt any ſuch perſon, the ſaid Incumbent or perſon againſt whom the Certificate was ſo made, ſhall or may averre the offer or tender of his payment, as is aforeſaid: And the ſame ſhall be tryed either by ſufficient witneſſes before the Vice-treaſurer or Barons of the Exchequer, or by the tryall of twelue men vpon any iſſue thereupon to be ioyned betwixt the ſaid Incumbent, and any other perſon & perſons, that hee, or any for him did offer or tender payment of the ſumme due, as aforeſaid: which being found for the Incumbent, then euery ſuch Incumbent ſhall haue & enioy his promotion or promotions ſtill, without forfeiture or looſing to your Maieſty, your Heires or Succeſſors, any the profits thereof, and as though no Certificate or default of any ſuch payment had beene made or exhibited: Any thing in this preſent grant or Act to the contrary notwithſtanding.

And further that it may bee enacted likewiſe, that euery Archbiſhop, and Biſhop, and Deane & Chapter of euery See, vacant, and other perſons chargeable to and with the Collection of the ſaid Eight Subſidies, ſhall and may haue vpon euery payment of

the ſaid Eight Subſidies made to the Vice-treaſurer or generall Receiuer of Ireland for the time being, or to ſuch other perſon or perſons in place and places, to whom and where it ſhall pleaſe your Highnes or Court of Exchequer, to appoint for the receipt thereof at euery of the aforeſaid times of payment, a ſufficient acquittance, diſcharge, or Quietus eſt, in writing, of the aforeſaid Vice-treaſurer, or generall Receiuer, or ſuch other perſon or perſons, as either your Highnes, or your ſaid Court of Exchequer ſhall aſſigne for the receipt thereof; The ſame acquittance, diſcharge, or Quietus eſt, witneſſing the receipt of ſo much of the ſame ſumme of the ſaid Eight Subſidies, as ſhalbe ſo receiued, and euery ſuch acquittance, diſcharge, or Quietus eſt in writing, ſubſcribed with the name or names of the Vice-treaſurer, or Receiuer generall for the time being, or of ſuch Auditor, or other perſon or perſons, as it ſhall pleaſe your Highnes, or your ſaid Court of Exchequer to appoint for the ſame receipt, ſhall and may be good and effectuall in the Law, and be alſo a ſufficient diſcharge to all & euery of the ſaid Collectors to all ſuch intents, conſtructions and purpoſes, as if the ſame were made by Act of Parliament. And that euery of the ſaid Collectors, ſhall pay but onely three ſhillings foure pence Iriſh for euery generall or ſmall acquittance, diſcharge, or Quietus eſt, for euery payment of the ſaid Eight Subſidies. And if any perſon ſo aſſigned, ſhall refuſe or delay to make ſuch a generall or ſmall acquittance, diſcharge, or Quietus eſt, for any payment of the ſaid Eight Subſidies, or ſhall require or take for the ſame, any more then three ſhillings foure pence Iriſh: Or if any other Officer of the Exchequer, ſhall require and take of any Collector or Collectors, or of his or their vnder-Collector or vnder-Collectors, Deputie or Deputies, in reſpect of the Collection, payment or accompt of the ſaid Eight Subſidies, or any part thereof, or for expedition, or for any other cauſe or pretence whatſoeuer concerning the ſame, any fees or ſummes of money, other then are before in this preſent grant expreſſely allowed vnto them, ſhall forfeit the ſumme of Ten pounds of lawfull money of Ireland, to be payde and recouered in like manner, and to the ſame vſe as is before limited and expreſſed in this Statute, touching the like forfeitures of Receiuers and Auditors: And alſo that euery particular acquittance, which vpon any payment of the ſaid eight Subſidies, ſhalbe made by any Collector or Collectors of the ſaid eight Subſidies, or of any payment of them, or by his or their vnder-Collector or vnder-Collectors, Deputie or Deputies in that behalfe, to any Incumbent of any Benefice or promotiõ ſpirituall, or to any perſon or perſons contributarie or chargeable to and with the ſaid Eight Subſidies, or any part or payment of them, ſhalbe good and effectuall in Law, and a full and ſufficient diſcharge to euery ſuch Incumbent, and other perſon, and his Benefice and promotion ſpirituall, of and for all other ſuch ſummes and

ſummes

ſummes of money, as by the ſame acquittance ſhalbe acknowledged to be receiued in reſpect of the ſame Benefice or promotion for any part of the ſaid Eight Subſidies: And that no acquittance of any other perſon or perſons made before ſuch certificate, ſhall in any wiſe diſcharge any perſon or promotion, for any part or payment of his ſaid Eight Subſidies, nor of any paine, penaltie or forfeiture ſpecified in this grant. And to the intent it may bee knowne to the Court of Exchequer, who be the vnder-Collector or vnder-Collectors, Deputie or Deputies of euery ſuch Arch-biſhop, Biſhop, or Deane & Chapter, authorized to receiue the ſame, and to make acquittance thereof; euery Archbiſhop, Biſdop, and Deane & Chapter of any See being voyde, ſhall yearely, together with their certificate afore-mentioned, certifie the names of euery the vnder-Collectors or Deputies to be appointed, as is aforeſaid.

Prouided alwayes, that no Collector of the ſaid Eight Subſidies, or of any part of them, ſhall vſe any proceſſe or compulſarie meanes, or exact any fees or ſummes of money for the ſame, or otherwiſe, of any perſon, for not paying the ſaid eight Subſidies, or any part thereof, at ſuch certaine day & place as ſhalbe by the Collector or his vnder-Collector, or Deputy prefixed, in caſe the ſaid perſon ſhall tender the ſame vnto the Collector, or his vnder-Collector, or Deputie, within twenty dayes next after ſuch prefixed day: And that the ſaid Collectors ſhall not by themſelues, or any others, take of any perſon for the receipt of any ſeuerall payments of the ſaid eight Subſidies, and for his acquittance thereupon, any more then foure pence ſterling, by any colour or pretext whatſoeuer. Prouided alwayes, that no ſpirituall promotions, nor any lands, poſſeſſions, or reuenues annexed to the ſame, being charged by this grant, or any goods or chattells, growing, being, or remaining vpō the ſame, or elſwhere appertaining to the owners of the ſpirituall promotion, or to any of them, ſhalbe charged or made contributarie to any other Subſidie alreadie granted to your Highnes by the Laitie, or hereafter to be granted, during the time appointed by this grāt, for the paymēt of the ſaid eight Subſidies.

Prouided alſo, that all Deanes, Archdeacons, Dignities, Maſters, Wardens & Prebendaries of all Cathedrall and Collegiate Churches & Colledges, or any of them, ſhalbe charged with theſe eight Subſidies, for thoſe poſſeſſions, reuenues & promotiōs only which to their ſeuerall promotions, dignities & roomes are cleerly & diſtinctly limited and to their only vſe ſeuered, thereof to pay the twentieth part, being deducted for euery and each of the ſaid eight Subſidies, Foure ſhillings of euery full pound, in manner & forme as is aboue rehearſed: And that all thoſe rents, poſſeſſiōs, profits, portions, hereditaments & ſpirituall promotiōs, and euery of them heretofore by your Highnes, or any of the Kings or Queenes of this Realme, or any other perſon or perſons whatſoeuer, giuen, granted, bequeathed, deuiſed, or impropriated vnto the ſaid Cathe-

dzall oz Collegiate Churches oz Colledges, oz to any of them which any wayes be assigned, imployed oz vsed, either foz oz towards the yearely maintenance of Readers of Diuinitie, poore men, School-masters, Vshers, Grammarians, Petties-Canons, Conducts, Vicars-Chozall, Singing-men, Chozisters, Virgars, Sextons, oz of any other necessarie oz daylie Officers oz Ministers in such Cathedzall oz Collegiate Churches oz Colledges, oz any of them, oz foz oz towards the repairing vz re-edifying of any of the same Cathedzall oz Collegiate Churches oz Colledges, shall not be charged with any part of these eight Subsidies. The certaintie of which portions aswell chargeable to these eight Subsidies, as not chargeable, in this behalfe, the Archbishop oz Bishop of the Diocesse, oz (the See being voide) the Deane & Chapter, oz any other to whom the same shall oz may appertaine; vpon due search & examination, shall certifie vnder his oz their Seales, into your Highnes said Court of Exchequer, at oz before the seuerall dayes aforesaid, appointed foz the payment of the said eight Subsidies. Pzovided alwayes, that euery Parson, Vicar, oz other spirituall person, paying any pension, whereof no allowance is made in the valuation of his pzomotiō oz benefice, shall & may retaine to his own vse & relefe, so much of euery pound of euery such pension foz euery paymēt of the said eight Subsidies, as he standeth charged by this grant to pay, foz euery part & payment of the said eight Subsidies out of euery pound, foz the whole valuation of his spirituall pzomotion: Any covenant, grant, oz bond to the cōtrary notwithstanding. Pzovided also, that these eight Subsidies granted by the Cleargie, oz any part of them, oz any of them, shall not be demanded oz levied out of the house of Students, oz Colledge, called Trinitie Colledge, scituate in oz neare vnto the City of Dublin, oz out of any Hospitall, Almes-houses, oz Grammar-schooles, oz of any Church-benefice, oz other revenues to the said Colledge, Hospitals, Almes-houses, oz Grammar-schooles, oz to any of them annexed, appzopziated, oz otherwise appertaining.

And foz the sure and true payment of the said eight Subsidies granted by your said Pzelates & Cleargie, accozding to the tenoz, purpozt, effect, and true meaning of this pzesent grant, your said Pzelates and Cleargie, most humbly desire your Highnes, that this their said guift, grant, and eight Subsidies, and euery matter, summe of money, petition, clause, pzouisions, reseruations and sentences in this Instrument contained, concerning the said eight Subsidies, may be ratified, established & confirmed by authozity of your Highnes Court of Parliament. In quorum omnium & singulorum præmissorum fidem & testimonium, nos *Iacobus* Archiepiscopus *Armachanus*, totius Hiberniæ Primas antedictus, has præsentes Literas nostras testimoniales, sive hoc præsens publicum instrumentum; ad humilem rogatum Prælatorum & Cleri prædicti, Sigilli nostri appensione ac signo, nomine & subscriptione *Iohannis Forth* Armigeri

migeri, notarij publici, iussimus & fecimus communiri. Dat' vicesimo sexto die instant' mensis Iulij, Anno Domini millesimo sexcentesimo tricesimo quarto, Regnique vestri fœliciſſimi, scilicet Angliæ, Scotiæ, Franciæ, & Hiberniæ decimo, &c.

Wherefore for the sure and true payment of the said Subsidies, granted by the said Prelates and Clergie, according to the tenor, effect, and true meaning of the said Instrument: Bee it enacted by the Kings most excellent Maiesty, with the assent of the Lords Spirituall & Temporall, and the Commons in this present Parliament assembled, and by the authority of the same, That the said gift, grant, and every matter, summe of money, petition, provision, clause & sentence in the same Instrument contained, shall stand and be ratified, established and confirmed by the authority of this present Parliament.

And further bee it enacted by the authority aforesaid, That every person that shalbe appointed to the collection & gathering of the said Subsidies, shall haue full power & authority to levie, take & perceiue the said Subsidie, by the authority of the Censures of the Church (that is to say) by Suspension, Excommunication, or Interdiction, and also by sequestration of the fruits and profits of their benefices and promotions spirituall, in whose hands soeuer they be, and to make sale of the said fruits, without danger of the Lawes of this Realme, or by distresse vpon the possessions of the Farmers & Occupiers of the Lands & Tenements chargeable by the said Instrument, for or to the payment of any summe or summes of money to bee due by force thereof, or otherwise by the discretion of the Collector thereof. And that no replevin, prohibition, or supersedeas shalbe allowed or obeyed, for any persons making default of the payments of the said Subsidies, or any of them, contrary to the tenor of the grant thereof, vntill such time as they haue truely satisfied & contented all such parts & portions as to them in that behalfe appertaineth. And that euery such Farmer & Farmers, their Executors & Assignes that shall fortune hereafter to be charged to or with the payment of the said Subsidies, or any part thereof, shall by the authority aforesaid, be allowed & retaine in his hands, asmuch of his yearely rent and farme, as the summe which he shall fortune to pay for his Lord or Lessor shall extend vnto, except that the said Farmer or Farmers, their Executors or Assignes, by the Lease and grant that they haue of any part of the lands, tithes, profits or tenements, chargeable to the said Subsidie, or by force of any Couenant or Article therein contained, bee bound & charged to pay the same, and therof to discharge the Lessor & Land-Lord, during the terme mentioned in the said Lease.

And likewise, Bee it enacted by the authority of this present Parliament, That wheras diuers Curates, lyable to these Subsidies, being oftentimes remoueable, doe serue aswell in diuers impropriations belonging to the Kings Maiesty, as in other spirit-

tuall promotions belonging to other persons: That for the speedy recouery of the said Subsidies, it may be lawfull to the said Collector or Collectors of the said Subsidie, their Deputy or Deputies, to levy the said Subsidies vpon the Farmer or Farmers, or occupiers of all such impropriations, or spirituall promotions, by all censures of the Church aforesaid, and euery of them, or by way of distresse of Tithes of the said impropriation and impropriations, and spirituall promotiõs, or otherwise vpon the goods & chattells of the said Farmer or Farmers, and occupiers: In which case, no inhibition, prohibition, replevin, or other processe awarded to the contrary, shalbe obeyed, Any Lawes, statutes, priuiledges or customes to the contrary hereof, heretofore made, granted or vsed, or hereafter to be made, granted or vsed to the contrary, in any wise notwithstanding. And that it may bee lawfull to the Collector & other Officers and Ministers of such Arch-bishop, Bishop, Deane & Chapter, for not payment of the said Subsidies, after the same shalbe due, in or at any of the said times of payment, to prize and value the said distresse & distresses, by two indifferent Neighbours by him to be chosen, and the distresse & distresses so prized, to sell, & thereof to detaine so much money as shall amount to the summe payable to the Kings Maiestie, with the reasonable charges also of the said Collector sustained in that behalfe, and the rest of the money made of the said Distresse, to be deliuered and payed to the owner and occupier thereof.

Prouided alwayes, and bee it enacted by the authority aforesaid, that euery Lay person, hauing spirituall promotion, chargeable by this Act, and also temporall possessions, goods, chattells & debts, charged to the Subsidies granted in this Parliament by the Temporaltie, shalbe taxed, charged and set for the spirituall promotions with the Clergie, and his temporall possessions and chattells reall, with the temporaltie, and not otherwise: Any thing before mentioned to the contrary notwithstanding.

Statuta, Ordinationes,

Actus & Proviſiones, in Parliamento prædicto apud Caſtrum *Dublin*, prædicto die Martis, viz. viceſimo quarto die Martij, anno regni dicti Domini Regis CAROLI Decimo, Coram prefato Deputato ſuo ſimiliter tento, & ibidem continuato uſque ad decimum octavum diem Aprilis, tunc proximè ſequentis, ac etiam eodem decimo octavo die Aprilis determinato, finito & diſſoluto; ædita in hæc verba.

CAP. I.

¶ An Act to prevent and reforme prophane Swearing and Curſing, &c.

FOraſmuch as all prophane Swearing and Curſing is forbidden by the Word of God: Bee it therefore enacted by the authority of this preſent Parliament, That no perſon or perſons, ſhall from henceforth prophanely ſweare or curſe: And that if any perſon or perſons, ſhall at any time or times hereafter offend herein, either in the hearing of any Juſtice of Peace of the County, or of any Mayor, Juſtice of Peace, Bayliffe, or any other head Officer of any Citty or Towne Corporate, where ſuch Offence is, or ſhalbe committed, or ſhall thereof be convicted by the oathes of two witneſſes, or by confeſſion of the party, before any Juſtice of the Peace of the County, or head Officer, or Juſtice of the Peace, in the Citty or Towne Corporate, where ſuch offence is, or ſhalbe committed, (To which end euery Juſtice of the Peace, and euery ſuch head officer, ſhall haue power by this Act, to miniſter the ſame oath) That then euery ſuch offendor, ſhall for euery time ſo offending, forfeite

and pay to the vſe of the poore of that Pariſh, where the ſame offence is, or ſhalbe committed, the ſumme of Twelve pence. And it ſhall alſo be lawfull for the Conſtables & Church-wardens, or any one of them, by Warrant from ſuch Juſtice of Peace, or Head-Officer, to levye the ſame ſumme or ſummes of money, by diſtreſſe & ſale of the Offendors goods, rendring to the party the ouer-plus; and in defect of ſuch diſtreſſe, the offendor, if he, or ſhe, be aboue the age of Twelve yeares, ſhall by Warrant from ſuch Juſtice of the Peace, or Head-officer, be ſet in the Stocks by three whole houres. But if the Offendor be vnder the age of twelve yeares, and ſhall not forthwith pay the ſaid ſumme of Twelve pence, then hee, or ſhee, by the warrãt of ſuch Juſtice of Peace, or Head-Officer, ſhalbe whipped by the Cõſtable, or by the Parents, or Maſter, in his preſence.

And bee it further enacted, That if any ſuch Offendor ſhall cõmence any ſuite in Law againſt any Officer or other, for ſuch diſtraynings, ſale of goods, whipping, or ſetting in the Stocks, the defendant or defendants may pleade the generall iſſue, and giue the ſpeciall matter in evidence to the Jury at the tryall, and if it be found againſt the plaintiffe, or that the plaintiffe be non-ſuite, the defendant or defendants ſhalbe allowed good coſts, to be tared by the Court. Prouided neuertheleſſe, that euery offence againſt this Law, ſhalbe complained of, and proued, as aboueſaid, within twenty dayes after the offence committed.

And it is alſo enacted, That this Act ſhalbe read in euery Pariſh Church, by the Miniſter thereof, vpon the Sunday after the Euening Prayer, twice in the yeare.

CAP. II.

An Act to inable reſtitution of Impropriations, and Tithes, and other Rights Eccleſiaſticall to the Cleargie, with a reſtraint of aliening the ſame: And direction for Preſentations to the Churches.

FOr the due maintenance for ſuch as ſhall teach and inſtruct the People in the worſhip of God, and the better to enable them to keepe Hoſpitality, and relieue the poore: Bee it enacted by the King our Soueraigne Lord, and the Lords Spirituall & Temporall, and Commons in this preſent Parliament aſſembled, and by the authority of the ſame: That it ſhall & may bee lawfull from henceforth, for all and euery perſon and perſons, of full age, ſane memorie, and not Couert Baron, and for all and euery bodies politique and corporate, of, or within this Realme, which are ſeized of any Appropriations of any Parſonages, Rectories, Vicarages, or other Benefices Eccleſiaſticall whatſoeuer, or of any Glebe-

Lands,

Lands, Tithes, Portions of Tithes, Pensions, Oblations, or Rights heretofore Ecclesiasticall, of any estate of Inheritance, in possession, reversion, or remainder, or in use, freely out of their devotion, or otherwise at their pleasure, upon any other reasonable ground or contract, without any licence of alienation, or licence to alien in mortmaine, to rest ore, dedicate, giue, deuise, limit, or convey the same, or any part thereof, for the better maintenance of the Ministers of Gods holy Word and Sacraments, either by his or their Deed or Charter, vnder his or their respective Seale or Seales, made & deliuered in the presence of three, or more sufficient witnesses, or by their respective last Will in writting made and published in the presence of like number of sufficient witnesses, vnto any the Parson or Vicar of the said Parish or Parishes immediatly, and to his Successors, if any such be endowed within the said Parish, where the said Appropriation, Glebe-Land, Tithes, or other the said premisses, are, or doe lye, arise, or grow: or if there be no such Parson or Vicar, endowed within such Parish, then to the Archbishop of that Province, or Bishop of that Diocesse, and to their, or any of their Successors, in trust vnto, and for the vse of such Minister, as shall serue the Cure in the said Parish, vntill there shalbe a Rector, Parson, or Vicar of the said Parish, there established, and then to the sole vse of the Rector, Parson, or Vicar of the said Parish, and of his successors for euer; such vse & trust to be expressed and contained in such Deed, Charter, or last Will, or otherwise in some writing, vnder the Seales of such person and persons, who shall giue, limit, or deuise the same. And it is hereby enacted, that immediatly from, and after such Deed and writing made, as aforesaid, and after the deaths of such Testators or Deuisors, who shall make such Will, as aforesaid, respectiuely, The said Parson or Vicar, and his successors, to whom such grant, limitation, or deuise, shalbe immediatly made, and the said Metropolitane, Bishop or Bishops, and their successors, vnto whom such Parsonage, impropriate Glebe-Lands, Tithes, or other the premisses shalbe granted, bequeathed, or limited by such Deed, Charter, Will, or Writing, vpon such trust, or to such vse, as aforesaid, shall stand & be seized thereof, to them & their successors for euer, respectiuely, of an absolute and indefeasible estate in fee simple, The Statute concerning Lands alienes in Mortmaine, or any other Law, or Statute, or other matter or thing whatsoeuer to the contrary thereof in any wise notwithstanding.

And the true intent of this present Act further is, that if within the Parish, wherein the said Appropriations, Glebe-Lands, Tithes, or other the premisses, are limited by the said Donors, or Deuisors, to be imployed for the maintenance of any such Minister of the Word of God, as aforesaid, there be no Parson, or Vicar endowed, that then it shalbe lawfull vnto, and for the Ordinary, and Metropolitane of that Diocesse, after that there shall bee

Glebe-Lands, Tithes, or other the premisses, amounting to the full third part, or more, of all the profits of the entire Impropriation limited, as aforesaid, by their Writings vnder their Archi-episcopall and Episcopall Seales, to ordaine, constitute, and appoint one sufficient Minister, or Clearke, learned in the Word of God, to be Parson, or Vicar of the said Parish, in a perpetuall succession to him and his Successors for euer, and shall cause him to bee admitted, instituted and inducted, as Parson, and Rector, or Vicar thereunto: which said ordination, constitution & appointment, institution & induction, shall within conuenient time after, be all of them inrolled in his Maiesties Court of Exchequer, at the costs of the said new ordained Parson, or Vicar, immediatly from and after the enrollment whereof, the said Parson, or Vicar, so ordayned, instituted & inducted, shalbe, and in Law shalbe accompted, accepted & takē to be Parson, or Vicar of the said Rectory, Church and Parish, to him, and his successors for euer, in a perpetuall succession, to all intents and purposes. And then and from thencefoorth also, shall haue, and by vertue of the said conueyances & limitations, and by vertue of this Act, shalbe, and become estated and seized to him & his successors for euer, of, and in all & euery the said Parsonage, or other Benefice, Appropriation, Glebe-Lands, Tithes, and premisses, before conveyed & estated, or otherwise limited, as aforesaid, in trust vnto the said Archbishops, or Bishops, for the maintenance of a Minister of a good, sure, absolute, and indefeasible estate in fee simple, as Parson, and Rector, or Vicar of that Church and Parish.

And bee it likewise further enacted by the authority aforesaid, That at all times, and from time to time hereafter, it shall & may be lawfull vnto, and for all & euery person & persons whatsoeuer, being of full age, sane memorie, and not Couert Baron, and to & for all and euery bodies politique and corporate, who shalbe seized of any estate of Inheritance, in possession, of & in any Parsonages, Vicarages, and other Benefices appropriate within this Realme of Ireland, by his or their writing or writings, vnder their respective seales, to present a lawfull and sufficient Clearke for such Parsonage, Vicarage, or other such Benefice appropriate vnto the Ordinary, or Metropolitane of the Diocesse, where such Parsonage, Vicarage, or Benefice appropriate, is, and doth lye: And that vpon such presentation, such Ordinary or Metropolitane, shall admit such Clearke so presented, and him institute, and cause to be inducted into the said Church and Benefice. All which said presentation, admission, institution, and induction, shalbe entred and inrolled in the said Court of Exchequer, at the charge of the Parson so presented (or of the said partie who so presēted him, if he so please,) And that immediatly from and after such presentation, and institution, so made & enrolled, the said Appropriation shalbe for euer dissolued, and the said Rectory, Vicarage, (or other

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Benefice, or Liuing whatsoeuer it be) disappropriate, and thencefoorth for euer shalbe, and shall become presentatiue by the Donors thereof, their heires, successors, and assignes, in such maner and forme as other Churches presentatiue are by other patrons, when & so often as the same shall become voyd by any wayes or meanes, Any Law, Statute, Custome, or other thing whatsoeuer to the contrary hereof, notwithstanding. Sauing to the Kings Maiestie, his Heires, and Successors, and to all and euery other person and persons, bodies politique and corporate, their heires, and successors, (other then the said Donors & Deuisors of any such Appropriation, Glebe-Lands, Tithes, or other Hereditaments, formerly Ecclesiasticall, or of any of them, and their heires and successors, and other then such person and persons, and bodies politique and corporate, who shall make such presentations, as aforesaid, to the said Benefices appropriate, and to their heires & successors, and other then all and euery other person and persons, bodies politique & corporate whatsoeuer, their heires and successors, clayming any estate, title, or interest, in the remainder, or reuersion, of, or in the same, after the estate or estates of such Donors, deuisors, or presentors, ended and determined, and other then all and euery other person and persons seized, or clayming to their, or any of their vses) all such estate, right, title, interest, rent, pensions, profits, emoluments, and demaunds, as they, or any of them had therein, or thereto, at and before the time of such restitution, dedication, limitation, guift, grant, deuise, conueyance, or presentation made, as aforesaid, as if this present Act had neuer been had or made.

Prouided alwayes, and bee it further enacted by the authority aforesaid, That when any such donation, dedication, limitation, or conueyance, shalbe made of any Rectory, Vicarage, or Benefice appropriate, or of any Glebe-Lands, Tithes, or other Hereditaments, formerly Ecclesiasticall, or of any part thereof, or of any of them, vnto and for the maintenance of any such Minister, as aforesaid, That then if the Parsonage appropriate, or other thing so giuen, restored, dedicated, limited, or conueyed, be the sole and only endowment of such Minister in right of the same Church, or if it shalbe foure times in yearly value, so much, or more, as such Minister, Parson, Vicar, or Beneficer formerly had, and was endowed of, in right of the said Church, That then the sole patronage of such Benefice, shalbe, and shall appertaine to such Donor or Deuisor, his and their Heires and Successors onely. But if the same be onely three times so much, then such Donor or Deuisor, his, and their heires & successors, shall haue vpon the Successiue avoydances thereof, three presentations onely, and the former Patron and Patrons, the fourth presentation. And if but twice asmuch in yearely value, then the said Donors or Deuisors, their heires and successors, to haue onely two presentations, and the former Pa-

tron or Patrons, one: And if it be but of equall yearely value, or neere thereabouts, vnder or ouer, then the said Donors or Deuisors, their heires and Successors, and the said former Patrons, to present by turnes, wherest the said Donors to haue the first. And on the other side, the like proportion and course to be holden, where the former endowments of such Benefices, shall exceed the yearly value of the Rectories appropriate, Tithes, Glebe-Lands or other Hereditaments, so giuen, restored, dedicated, limited, or conueyed. The said proportions & rates of the said endowments, Glebes, Tithes, and Hereditaments, to be made by Commission, to be granted out of the said Court of Exchequer, at the proportionable charge of the said Donors or Deuisors, or of their heires and of the former Patrons: which being executed and returned into the said Court of Exchequer, shalbe peremptory and finall to all parties.

And whereas in diuers places of this Kingdome of Ireland, there are within one Parish, both a Parson & a Vicar endowed, and in some Parishes more: Bee it enacted by authority aforesaid, That in euery such case, it shall and may be lawfull vnto, and for the Bishop of that Diocesse, and Metropolitane of that Prouince, (within which, the said Parishes are scituate) by their writing vnder their Archi-episcopall and Episcopall Seales, at any time or times hereafter, to vnite & consolidate all & euery the said Parsonages and Vicarages so being within one Parish, (other then such Parsonages or Vicarages, as are annexed to any Deane, Prebend, or Dignity, in any Cathedrall Church) into one entire Parsonage, or Rectory, or Benefice. Yet neuertheless so, that if such Parsonages, and Vicarages, or any of them, be at that time full of Incumbents, That euery of the said Incumbents, shall & may, hold & retaine, to their owne vse, his, and their respective Parsonages & Vicarages, and all the profits thereof, for so long time as they shall liue & continue lawfull Incumbents thereof. And if one or more of such Incumbents doe dye, or otherwise cease, resigne, or be deposed, or deprined from their said Benefices & Incumbencies, that then the said Parsonage, Vicarage, or Benefice, so, or by any other meanes growing voyde, with the lands, emoluments, and profits thereof, shall survive, remaine, accrue, and grow to the Survivor and Survivors of such the said Incumbents, and after such Survivors, accruing or comming into one hand, shall thencefoorth for euer, be, and continue one whole and entire Rectory and Parsonage, or Benefice, according to the Vnion and consolidation aforesaid, to such surviving Parson, and his successors for euer. And that then, and from thencefoorth, if there bee severall Patrons of the said Benefices, then by like Commission, as aforesaid, to bee sued out of the said Court of Exchequer, at the equall charge of the said Patrons, and directed vnto two, three, or more sufficient persons, a true and perfect valua-

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tion, shalbe made of each of the said Parsonages, Vicarages, and Benefices, and if the same appeare to be of equall value, or neare the same, and no one of them to be full double in value to any one of the rest of them, then the said Patrons, whose Clearke did first dye, shall present to the first avoydance of the said Benefice, and the other Patron to the second, and so afterwards the said Patrons, their heires, successors, and assignes, shall thencefoorth for euer present by turnes. And if it fall out, that any one, or more, of the said united Benefices, proue to be lesse in yearely value, then the fourth part of any other of the said Benefices, that then the patronage of such smaller Benefices, to be extinct, and the sole advouson & advoulons of the said united & newly consolidated Rectory, or Benefice, to be & remaine vnto the other Patron & Patrons solely. And if it fall out, that any one, or more, of the said Benefices (soas aforesaid, united & consolidate in one,) be in yearely value a full fourth part, or more, of the greatest of them, but vnder the yearely value of the moytie thereof, then the Patron of the said greatest Benefice, to haue the two presentations vnto the said entire, united & consolidate Benefice, and the Patron & Patrons of the said lesser Benefices, to haue one presentation onely in their severall turnes, in manner & forme, as is aboue expressed. And that such Commission & Commissions also so executed & returned, as aforesaid, shalbe finall & peremptory, to all & every the Patrons, their heires and successors for euer.

And be it further enacted, as aforesaid, That all and every guifts, grants, alienations, leases, forfeitures, charges & incumbrances, imposed, layed, or suffered, by any such Minister, Parson, Vicar, or other Beneficer of such Benefice, or by any Parson, Vicar, or Beneficer of any other Benefice, of what nature soeuer it be having Cure of Soules within this Kingdome of Ireland, of, or vpon his said Benefice, or of, or vpon any part thereof, shalbe effectuall, and stand in force, for such time only as such Parson, Vicar, or other Beneficer, shalbe resident vpon his said Benefice, without absence from the same, aboue eighty dayes in any one yeare, and for no longer, further, or other time: And that all Covenants, Bonds, Statutes-Merchant, and of the Staple, Recognizances, Judgments, and other assurances what soeuer hereafter to be acknowledged, made, or suffered by any such Beneficer, or collaterally, for, or on his behalfe, for the enioying of the Houses, Lands, Tithes & other profits, or hereditaments, of such Benefices, or of any part thereof, otherwise, or for any longer, or other time, then as aforesaid, or whereby such Beneficer shalbe enforced, or compellable to resigne his said Benefice: And likewise all covenants, bonds, and other like assurances, as aforesaid, hereafter to be made, to the intent to force such Beneficer to be resident, for the vpholding of any grant, lease, alienation, or charge, made as aforesaid, and allowed to stand in force, during such residence, as aboue is expressed, shalbe

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vtterly voyde in Law, to all and euery intent and purpose whatsoeuer.

Prouided alwayes, that if the Kings Maiesty, his Heires, or Successors, vpon any plantatiō hereafter to be had & made within this Realme, shall endow any Parson, or Vicar, and their successors, with any Glebe-Lands, That in such case the Incumbent thereof, for the benefit of the plantation, may by the Licence of the Lord Deputie of this Kingdome, for the time being, and of the Priuy Councell here, make any Leases of such Glebe-Lands, whereof they shall vpon such plantation, be newly endowed, not exceeding twenty one yeares frō the time of such endowment made, vnder such rents, and other reseruations, as shall by the Lord Deputy and Councell, be directed.

Lastly, the true intent & meaning of this present Act is, that all and euery the Parsons, Vicars, and other Beneficers, whose estates & liuely-hoods shalbe made, rayled, enlarged, or encreased, by the wayes & meanes aforesaid, or by any other good meanes, shalbe subiect vnto, and be charged for the repaire of the Chancells of such Churches, after that the same shalbe erected and built.

CAP. III.

An Act for preseruation of the Inheritance, Rights, and profits of Lands belonging to the Church, and persons Ecclesiasticall.

FOr the preseruation & continuance of all & euery the Manors, Lands, Tenements, Franchises, Liberties, Profits, and Hereditaments, vnto the Arch-bishops, Bishops, Deanes, & Chapters of the Cathedrall and Collegiat Churches, Arch-deacons, Prebendaries, and other Dignitaries Ecclesiasticall, Parsons, Vicars, and likewise vnto the Masters, or Gouernours, and Fellowes of Colledges, and Masters, and Guardians of Hospitalls, according to the true intent and meaning of the Originall foundations thereof, without detriment, spoyle, or preiudice.

Bee it enacted by our Soueraigne Lord the King, with the assent of the Lords Spirituall and Temporall, and Commons in this present Parliament assembled, and by authority of the same, That all Feoffments, Guifts, Grants & Leases, Alienations, Cōueyances, Estates, Charges & Incumbrances at any time or times, from & after the first day of June, now last past, made or done, or to be made, done, committed, or suffered, by any of the said Arch-bishops, Bishops, Deanes, and Chapters, Arch-deacons, Prebendaries, or other the said Dignitaries Ecclesiasticall, Parsons, Vicars, Masters & Gouernours, & Fellowes of Colledges, and

and Maſters, Guardians, or other Gouernours of Hoſpitals, or any of them, of any Manors, Lands, Tenements, or other Hereditaments, being any parcell of the poſſeſſions, of any ſuch Archbiſhop, Biſhop, Deane, Deane & Chapter, Chapter, Prebend, Dignitary, Parſon, Vicar, Colledge, Cathedrall or Collegiat Church, or Hoſpitall, or any wayes beloging to the ſame, or to any of them, (other then ſuch Leaſes & Grants, as hereafter in this preſent Act, or in any other Act made, or to be made, in this preſent Parliament, are, or ſhalbe expreſſed and authorized to be made) ſhall be vtterly voyde, and of none effect, to all intents, conſtructions, and purpoſes: Any law, cuſtome, or vſage, or other thing whatſoeuer to the contrary notwithſtanding.

Prouided alwayes neuertheleſſe, and bee it enacted by the authority aforeſaid, That it ſhall & may be lawfull vnto, & for all & euery the ſaid Arch-biſhops, Biſhops, Deanes, Deanes & Chapters, Archdeacons, Prebendaries, and other the ſaid Dignitaries Eccleſiaſticall, and likewiſe vnto & for the ſaid Maſters & Gouernours, and Fellowes of Colledges, and Hoſpitals, to grant any ancient office, concerning their, or any of their Land, or other their poſſeſſions, or concerning the attendance vpon their perſons or Churches, together with all & euery the like penſions, annuities, fees, and other profits as were formerly accuſtomed to be granted, had, and enioyed therewith. And alſo by their writings, indented vnder their reſpectiue Seales of office, (a counter-part whereof ſhalbe entred in the reſpectiue Regiſter-Bookes of the ſaid Arch-biſhops, Biſhops, Deanes, and Chapters, and of the ſaid Colledges, and Hoſpitals, for the benefit of Succeſſion) from time to time to demiſe any the Lands, or other the Hereditaments, belonging to their reſpectiue Churches, Colledges, and Hoſpitalls, (the dwelling-houſes for the moſt part of Forty yeares, now laſt paſt vſed for any of their reſpectiue habitations; and the Demeaſne Lands thereunto belonging, and therewithall during the ſaid time commonly vſed & occupied as the Demeaſnes of the ſaid houſes onely excepted,) vnto any perſon or perſons, for, and during the tearme of one & twenty yeares, from the time of the making therof, wherof or of any part whereof, there ſhalbe no other Leaſe, or Eſtate, then in being, which ſhall not expire or be ended & determined, within the ſpace of one yeare then next comming, vpon which Leaſe and Leaſes, ſhalbe reſerued & continued due and payable vnto the ſaid Leaſſors & their ſucceſſors, during the ſaid Eſtate & tearme of one and twenty yeares, ſo much yearely rent or profits, or more, at the perill of the Leaſſees, who ſhall take the ſame, as the moytie of the true value of the ſaid Lands, or other Hereditaments, (communibus annis) at, or immediatly before the time of the making of ſuch Leaſe, ſhall amount vnto, as the ſame ſhall, or may thereafter appeare, either vpon a legall tryall betweene the Succeſſor, or Succeſſors of ſuch Leaſſors, if they ſhall queſtio the ſame, and the

ſaid Leaſſees, or their Aſſignees, by verdict of twelve indifferent perſons at the Common-Law, or otherwiſe, by the certificate of foure, or more, honeſt, equall, and indifferent perſons, authorized by Commiſſion vnder the great Seale of this Kingdome, to enquire & finde the ſame, and the ſaid certificate approoued of by the Lord Deputy & Priby Councell of this Kingdome, for the time being, which verdict or certificate, ſo reſpectiuely made, or giuen, ſhalbe peremptory to both parties, and their reſpectiue ſucceſſors, and aſſignees, during the ſaid Tearme, in which Leaſes, or any of them, ſhalbe contained no power, liberty, or priviledge for ſuch Leaſſees, or their Aſſignees, to commit waſte, or to be diſpuniſhable of waſte.

Prouided neuertheleſſe, that it ſhall & may be lawfull vnto, and for the ſaid Archbiſhops, Biſhops, Deanes, Chapters, Arch-deacons, Prebendaries, and other the ſaid Dignitaries Eccleſiaſticall, and their ſucceſſors, and vnto the ſaid Maſters, and Gouernours, and Fellowes of Colledges, and Hoſpitalls, and to their ſucceſſors, or any of them, by the Licence of the Lord Deputy, or other chiefe Gouernour or Gouernours of this Kingdome, and Councell of State of this Kingdome, for the time being, to make Leaſes for a lõger tearme or time then one & twenty yeares, of any their lands or grounds, fit for the neceſſary building of Caſtles, Fortreſſes, or other houſes of ſtrength, in places conuenient & requiſite for the good of this Realme, and the defence therof, for ſuch tearme & time, and in ſuch ſort as ſhalbe thought fit, by the Kings Maiеſty, or the Lord Deputy, or other the ſaid chiefe Gouernour or Gouernours of this Kingdome, and Councell of State for the time being. And likewiſe whereas there are, and of late times hath beene ſundry Fee farmes, and long Leaſes, in being, of diuers Manors, Lands, Tenements, and Hereditaments, formerly belonging to the ſaid Arch-biſhops, Biſhops, Deanes, Chapters, Arch-deacons, Prebendaryes, and other the ſaid Dignitaryes Eccleſiaſticall, Parſons, Vicars, and likewiſe vnto the ſaid Colledges, and Hoſpitals, That it ſhall and may be lawfull vnto, and for them, and euery of them, for, and in conſideration of the re-aſſignment, ſurrender, & taking in, of any ſuch Fee farmes, Leaſes, or Eſtates, and vpon further improuement of the yearely rents & profits thereof, to be reſerued and payed to them and their ſucceſſors, by and with the licence and approbation of the Lord Deputy, or other chiefe Gouernour or Gouernours, and Councell of State of this Kingdome for the time being, to make any Leaſe or Leaſes, for the tearme of ſixtie yeares, or vnder, of ſuch Fee farme lands, and of ſuch leaſed lands, for the like tearme, or for fewer yeares, if the ſaid Leaſes in being, were for fewer yeares. And likewiſe that it ſhall and may be lawfull vnto, and for any the ſpirituall perſons, Colledges, and Hoſpitalls, before mentioned by their like writings indented, ſcaled, entred, and enrolled, as afore-

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ſaid, to make any Leaſe or Leaſes, for & during the tearme of forty yeares, vnder the like valuable rent, as is aboue expreſſed, of all or any their houſes belonging to their Churches, Colledges, or Hoſpitals, and of the Curtilages appertaining to the ſame, which are ſcituate within any City, Towne-Corporate, or Market-Towne of this Kingdome, ſo as the ſame be not of any their manſion or Dwelling-houſes, or of any part thereof, or of any the Curtilages, Gardens, or Orchards belonging thereto.

And bee it enacted as aforeſaid, That all and euery the rents & yearely profits aboue reſerued, or in and by this Act limited and appointed to be reſerued vpon the making of all & euery the Leaſes aboue-mentioned, immediatly from & after ſuch Leaſe & Leaſes, reſeruation & reſeruations made, ſhall by vertue of this Act, continue due, and payable vnto the ſaid Leaſſors, and their ſucceſſors, during the ſaid reſpectiue Leaſes and Tearmes, and ſhall by no meanes be alienes, releaſed, or diſcharged, to the prciudice of the ſucceſſors of ſuch Leaſſors, or any of them.

Prouided alwayes, That this Act, nor any thing therein contained, ſhall not reſtraine the moſt Reuerend Father in God, Iames Lord Arch-biſhop of Armagh, Primate and Metropolitane of all Ireland, but that he may make ſuch Leaſes, and for ſuch tearmes as are mentioned in his Maieſties Letters Patents to him heretofore granted in that behalfe: Any thing in this Act contained to the contrary, notwithſtanding.

CAP. IV.

An Act for the erecting of Houſes of Correction, and for the puniſhment of Roagues, Vagabonds, ſturdy Beggers, and other lewde and idle perſons.

FOr the better ſuppreſſing of Roagues, Vagabonds, & other idle & diſorderly perſons, Bee it enacted by our Soueraigne Lord the Kings Maieſty, and by the Lords Spirituall & Temporall, and by the Commons of this preſent Parliament aſſembled, and by the authority of the ſame, That before the Feaſt of S. Michael the Archangel, which ſhalbe in the yeare of our Lord God, one thouſand ſix hundred thirty ſix, there ſhalbe erected, built, or otherwiſe prouided within euery County of this Realme of Ireland, one or more fit & conbenient houſe, or houſes of Correction, with conbenient back-ſide thereunto adioyning, together with Mills, Worke-Cards, and other neceſſary Implements, to ſet the ſaid Roagues & other idle and diſordered perſons on worke. The ſame houſes to be built, erected, or prouided in ſome cõbenient place, or Towne, in

euery County, which houſes ſhalbe purchaſed, conueyed, or aſſured vnto ſuch perſon or perſons, as by the Iuſtices of Peace, or the more part of them, in their Quarter-Seſſions of the Peace, to bee holden within euery County of this Realme of Ireland, ſhall bee thought fit, vpon truſt, to the intent the ſame ſhalbe vſed & imployed for the keeping, correcting, and ſetting to worke of the ſaid Roagues, Vagabonds, Strurdy Beggars, and other idle and diſordered perſons.

And bee it further enacted by the authority aforeſaid, That if the ſaid houſe and houſes reſpectiuely ſo to be erected, purchaſed, or prouided, ſhall not be erected, built, or otherwiſe prouided, before the ſaid Feaſt of S. Michael, that then euery Iuſtice of Peace, reſident and dwelling within any County of this Realme, where ſuch houſe and backſide ſhall not be ſo erected and prouided, ſhall forfeit for his neglect, Fiue pounds ſterling, and ſo for euery yeare which ſhall enſue after the ſaid Feaſt of S. Michael, wherein the ſaid houſe and back-ſide ſhall not be erected and prouided, euery ſuch Iuſtice of Peace, as aforeſaid, ſhall forfeit Fiue pounds ſterling, the one moytie of the ſaid forfeitures, to be vnto him or them that will ſue for the ſame, by action of debt, bill, plaint, or information, in which ſuit, no protection, eſſoyne, or wager of Law ſhalbe admitted, and the other moytie thereof to be imployed and beſtowed towards the erecting, building, procuring, or prouiding the ſaid houſes and backſides reſpectiuely, and ſuch neceſſary implements, as aforeſaid.

Bee it alſo enacted by the authority aforeſaid, That the Iuſtices of Peace in euery County within this Realme, or the more part of them, ſhall haue power at any their Quarter-Seſſions of the Peace within the ſaid County, to make ſuch orders, as to them or the more part of them, from time to time, ſhall be thought fit, for the raiſing of Money vpon the Inhabitants of the ſaid County, for erecting, or prouiding the ſaid houſes, and for the gouernment and ordering of the ſaid houſes reſpectiuely, or for ſtocks of money for the ſetting to worke ſuch perſons as ſhalbe committed to the ſame, or for the yearely payment of ſuch Officers, as hereafter by this preſent Act ſhalbe appointed for Gouernour or Gouernours of the ſaid houſe or houſes, and for ſuch other as they ſhall thinke neceſſary to be imployed therin. And that the ſaid Iuſtices at their ſaid Quarter-Seſſions, wherein they ſhall make ſuch order for the raiſing of money, as aforeſaid, ſhall then, and ſo yearely afterwards nominate & appoint one able & ſufficiẽt man, inhabiting in the ſaid County, to be & be called the Treaſurer, for the receiuing & paying out of ſuch moneyes as ſhalbe collected for the ſaid houſes, or for the vſe of them: And the ſaid Treaſurer ſo elected, to cõtinue for the ſpace of one whole yeare in his Office, and then to giue vp his charge, with a due accompt of his receipts and diſburſements at the Quarter-Seſſions, to be holden next after the Feaſt

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of S. Michael, euery yeare, in the presence of two Justices of Peace, to such other as shalbe from yeare to yeare, successiuely elected Treasurer. And if any man chosen, as aforesaid, shall refuse to accept or execute the said Office of Treasurership, that then it shalbe lawfull for the Justices of Peace in their Quarter-Sessions, or in their defaults for the Justices of Assize, at the Assizes to bee holden in the same County, to fine the said Treasurer by their discretion, the same fine not to be vnder Three pounds sterling, which shall be leuied by sale of his goods, by vertue of a warrant to be giuen for that end by the said Justices, to such person or persons, as they shall thinke fit; which Fine so leuied, to be to the vse, and towards the maintenance of the said house of Correction.

And bee it further enacted & established by the authority aforesaid, That the Justices of Peace of euery County within the Realme of Ireland, at their Quarter-Sessions of the Peace, to bee holden for their seuerall Counties (next after the erecting, prouiding, or building of the said house or houses, and so from time to time) or the most part of them, shall elect, nominate and appoint, at their will & pleasure, one or more honest, fit person or persons, to be Gouernour or Master of the said house or houses, so to be purchased, erected, built, or prouided, which person and persons so chosen by vertue of this present Act, shall haue power and authority to set such Roagues, Vagabonds, idle & disorderly persons, as shalbe brought or sent vnto the said house to worke & labour (being able) from time to time, for such time as they shall continue & bee remaining in the said house of Correction, and to punish the said Roagues, Vagabonds, idle and disorderly persons, by putting Fetters or giues vpon them, and by moderate whipping of them; and that the said Roagues, Vagabonds and idle persons, during such time as they shall continue and remaine in the said house of Correction, shall in no sort be chargeable to the Countrey, for any allowance either at their bringing in, or going forth, or during the time of their abode there, but shall haue such & so much allowance as they shall deserue by their owne labour and worke.

And for that it is conuenient that the Masters or Gouernors of the said houses of Correction, should haue some fit allowance & maintenance for their trauaile and care to bee had in the said seruice, as also for the relieuing of such as shall happen to be weake & sick in their custody, Bee it therefore enacted by the authority of this present Parliament, that the Masters or Gouernours of the said houses of Correction, shall haue such summe of money payde him yearely, as shalbe thought meet by the most part of the Justices of Peace within the said County, at their Quarter-Sessions of the Peace, the same to be payde Quarterly before-hand, by the Treasurer aforesaid, during the time that the said Masters or Gouernours shall be imployed in the said seruice: The said Masters or Gouernour giuing sufficient security for the continuance

and perfoꝛmance of the ſaid ſeruice, which if the ſaid Treaſurer ſhall neglect oꝛ refuſe to perfoꝛme, then the ſaid Maſter oꝛ Gouernour of the ſaid houſe of Coꝛrection, ſhall by warrant from any two Juſtices of the Peace of the ſaid County, leuye ſuch ſumme oꝛ ſummes of money, as ought to be payde to the ſaid Maſter oꝛ Gouernour, by diſtreſſe & ſale of ſo much of the ſaid Treaſurers goods, as the ſaid money which ſhalbe behinde, doth amount vnto, rendꝛing vnto the ſaid Treaſurer the ouer-plus, if any ſhall remaine; and in defect of ſuch diſtreſſe, it ſhall bee lawfull foꝛ any two Juſtices of the Peace, as afoꝛeſaid, to commit the ſaid Treaſurer to the County Gaole of the County, there to remaine without baile oꝛ mainpꝛiſe, vntill payment be made of ſuch ſũmes as is behinde, to the ſaid Maſter oꝛ Gouernour. Pꝛouided alwayes, that beſoꝛe any ſuch warrant be granted foꝛ diſtraining of the ſaid Treaſurers goods, oꝛ committing of his body, that it ſhall appeare beſoꝛe the ſaid Juſtices of Peace, either by confeſſion of the party, oꝛ by teſtimony of two ſufficient witneſſes, in the pꝛeſence of the Treaſurer, that he hath ſo much money in his hands, appertaining to the ſaid vſes, as may ſatiſfie the ſaid Maſter oꝛ Gouernour.

And becauſe there ſhalbe the moꝛe care taken by all ſuch Maſters of the houſes of Coꝛrection, that when the Countrey hath been at trouble and charge, to bꝛing all ſuch diſoꝛderly perſons, as afoꝛeſaid, to their ſafe keeping, that then they ſhall perfoꝛme their duties in that behalfe: Bee it theꝛefoꝛe enacted by the authoꝛity afoꝛeſaid, That if they ſhall not euery Quarter-Seſſions, yeeld a true and lawfull accompt vnto the Juſtices of Peace, of all ſuch perſons as haue been committed to their cuſtody; oꝛ if the ſaid perſons committed to their cuſtody, oꝛ any of them, ſhalbe troubleſome vnto the Countrey, by going abꝛoad; oꝛ otheꝛwiſe ſhall eſcape away from the ſaid houſe of Coꝛrection, beſoꝛe they ſhall bee from thence lawfully deliuered; That then the ſaid Juſtices ſhall ſet downe ſuch Fines and penalties vpon the ſaid Maſters & Gouernours, as the moſt part of them in their Quarter-Seſſions ſhall thinke fit & conuenient, and all Fines and penalties, not hereinbeſoꝛe limited, ſhalbe payed vnto the Treaſurer, and accompted foꝛ, by the Treaſurer afoꝛeſaid.

And bee it further enacted by the authoꝛity afoꝛeſaid, That the ſaid Juſtices of Peace of euery County, oꝛ any two, oꝛ moꝛe of them, twice in euery yeare at the leaſt, and oftner if there be occaſiõ, ſhall aſſemble and meete together, foꝛ the better execution of this Statute, and that ſome foure oꝛ five dayes beſoꝛe their aſſembly & meeting, the ſaid Juſtices, oꝛ the moꝛe part of them, ſhall by their Warrant, commaund the Conſtables of euery Barony, Towne, Pariſh, Village, and Hamlet, within the ſaid County, oꝛ ſo many of them, as they in their diſcretions ſhall thinke fit, which ſhalbe aſſiſted with ſufficient men of the ſame places, to make a generall

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priuy search in one night, within their said Baronyes, Townes, Parishes, Villages & Hamlets, for the finding out, and apprehending of the said Roagues, Vagabonds, wandring & idle persons, and that such Roagues, Vagabonds, wandring and idle persons, as they shall then find & apprehēd in the said search, shall by them be brought before the said Justices, at their said assembly or meeting, there to be examined of their idle & wandring life, there to be punished, according to a Statute made in the three and thirtieth yeare of King Henry the eight in this Kingdome, against Vagabonds: or otherwise by their Warrant, to be sent or conveyed vnto the said house or houses of Correction, within the said County, appointed & prefixed, there to be deliuered vnto the Master or Gouernour of the said house, or to his Deputie or Assignee, to bee set to labour & worke: At which dayes & times of assembly or meeting, so to be held by the said Justices of the Peace, the Constables of the said Baronies, Parishes, Townes, Villages & Hamlets, shall then appeare before the said Justices of Peace, at the said assemblies or meetings, and there shall accompt & reckon vpon oath in writing, what Roagues, Vagabonds, and wandring & disorderly persons they haue apprehended, both in the same search, and also betweene euery such assemblyes and meetings, and how many haue beene by them punished, or otherwise sent vnto the houses of Correction, which if the said Cōstables shall neglect to performe, as also to conuey safely all such Roagues, with all other idle or disorderly persons, at the charge of the Constablewick, as by the Justices of Peace Warrants, shalbe sent vnto the houses of Correction in the same County: That then they shall forfeit such further fines, paines & penalties, as by the said Justices of Peace, or the most part of them, shalbe thought fit & conuenient, not exceeding the summe of forty shillings for euery offence.

And bee it further enacted by the authority aforesaid, That all persons calling themselues Schollers, going about begging, all idle persons going about in any Countrey, either begging, or vsing any subtile craft, or vnlawfull games or playes, or faigning themselues to haue knowledge in Phisiognomie, Palmestry, or other like crafty Science, or pretending that they can tell Destinyes, Fortunes, or such other like phantasticall imaginations, all persons that be, or vtter themselues to be Proctors, Procurers, Patent-gatherers, or Collectors for Gaoles, Prisons, or Hospitalls: All Fencers, Beare-wards, Cōmon players of Enter-ludes, and Minstrels wandring abroad, all Juglers, all wandring persons, and common-labourers, being persons able in body, vsing loytering, and refusing to worke for such reasonable wages, as is tared & commonly giuen in such parts, where such persons doe, or shall happen to abide or dwell, not hauing liuing otherwise to maintaine themselues, all persons deliuered out of Gaoles, that beg for their Fees, or otherwise trauaile begging, all such as shall wander abroad,

abroad, pretending losse by fire, or otherwise, all such as wandring, pretend themselues to bee Egyptians, or wander in the habite, forme, or attire of counterfeit Egyptians, shalbe taken, adiudged & deemed Roagues, Vagabonds & sturdy beggars, and shall sustain such punishments, as are appointed by a Statute made in the three and thirtieth yeare of King Henry the eight, chap. 15. in this Kingdome, against Vagabonds, or be otherwise dealt withall, by sending them to the house of Correction in the County where they shalbe found, as to the Justices of Peace of the said County, or to any one, or more of them, shalbe thought fit.

And for that many wilfull people, finding that they haue Children, haue some hope to haue relefe from the Parish wherein they dwell, and being able to labour, and thereby to relieue themselues and their families, doe neuertheless run away out of their Parishes, and leaue their families vpon the Parish: For remedy wherof, Bee it enacted by this present Parliament, and the authority of the same, That all such persons so running away, shalbe taken and deemed to be incorrigible Roagues, and endure the paines of incorrigible Roagues; and if either such man or woman being able to worke, and shall threaten to run away and leaue their families, as aforesaid, the same being proued by two sufficient witnesses, vpon oath, before two Justices of Peace, in the County where they dwell, or whither they run: That then the said person so threatning, shall by the said Justices of Peace, be sent to the houses of Correction, vnlesse he or she can put in sufficient sureties for the discharge of the Parish, there to be dealt with, and detained as a sturdy & wandring Roague, and to bee deliuered by the said Justices, at any of their meetings, or at their Quarter-Sessions, and not otherwise.

And bee it further enacted, That if any action of trespasse, or other suit, shall happen to be attempted & brought against any person or persons, for taking of any distresse, making of any sale, or any other thing doing, by authority of this present Act, the Defendant or Defendants, in any such Action or Suit, shall & may either plead not guilty, or otherwise make avowry, cognizance, or iustification, for the taking of the said distresse, making of sale, or other thing doing, by vertue of this Act, alleadging in such avowry, cognizance, or iustification, that the said distresse, sale, trespasse, or other thing whereof the plaintiffe or plaintiffes complained, was done by authority of this Act, and according to the tenor, purport, and effect of this Act, without any expressing or rehearsall of any other matter of circumstance, contained in this present Act; To which avowry, cognizance, or iustification, the Plaintiffe shall bee admitted to reply, that the Defendant did take the said Distresse, made the said Sale, or did any other Act or Trespasse, supposed in his Declaration of his owne wrong, without any such cause alleadged by the Defendant, whereupon the issue in euery such action

ction ſhalbe ioyned, to be tryed by verdict of twelve men, and vpon the tryall of that iſſue, the whole matter to bee giuen on both parties in euidence, according to the very truth of the ſame, and after ſuch iſſue tryed for the Defendant, or Non-ſuite of the Plaintiffe, the ſaid Defendant ſhall recouer treble damages, by reaſon of his wrongfull veration in that behalfe, with his coſts alſo in that part ſuſtained, and that to be aſſeſſed by the ſame Jury, or by writ to inquire of dammages, as the ſame cauſe ſhall require.

And bee it further enacted by the authority aforeſaid, That the Juſtices of Aſſize in their ſeuerall Circuites, ſhall haue full power to enquire of all defects, defaults & negligences of any Juſtice of Peace, or any other Officer, perſon or perſons whatſoeuer, in the not due execution of this Law, and alſo of all offences done, contrary to the intent and true meaning thereof, and to puniſh the ſame by fine or impriſonment, or otherwiſe, according to their diſcretions.

CAP. V.

An Act for Keepers of Ale-houſes to be bound by Recognizance.

FOraſmuch as it is found by daylie experience, that many miſchiefes and inconueniences doe ariſe from the exceſſiue number of Ale-houſes, from the erection of them in Woods, Boggs, and other vnfit places, and many of them not in Townes-ſhips, but diſperſedly, and in dangerous places, and kept by vnknowne perſons not vnder-taken for, whereby many times they become receptacles for Rebels, and other malefactors, and harbours for Gameſters, and other idle, diſordered and vnprofitable liuers, and that thoſe that keepe thoſe Ale-houſes for the moſt part, are not fitted or furniſhed to lodge or entertaine trauellers in any decent manner: For the redreſſe of theſe inconueniences, and many other miſchiefes daylie obſerued to grow by the courſe now held, and to reduce thoſe needleſſe multitudes of Ale-houſes, to a fewer number, to more fit perſons, and to more conuenient places. Bee it enacted by the Kings moſt excellent Maieſty, with the aduiſe of the Lords Spirituall & Temporall, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That no manner of perſon whatſoeuer, ſhall keep any Ale-houſe, or Tipling-houſe, nor ſell any Ale or Beere by retayle, within this Kingdome, but onely ſuch as ſhalbe licenſed, according to the true meaning of this Act, and vpon ſuch paine as herein after is expreſſed. And that euery perſon ſo to be licenſed, ſhall vpon receipt of his Licence, pay to his Maieſty, Fiue ſhillings ſix pence, currant

money of and in England, for euery yeare that he shall stand, or be so licensed. And for that no Licences can be granted but by some persons to be sufficiently authorized; It is therefore enacted, that Commissions shall from time to time be awarded vnder his Maiesties great Seale into euery County of this Kingdome, to a conuenient number of Commissioners, some of the chiefe to be of the Quorum, to be nominated by the Lord Deputie, or other chiefe Gouernour or Gouernours of this Kingdome, with the consent of the Councell for the time being, the said Commissioners to be chosen of the Justices of the Peace, with such others to be added vnto them, as the Lord Deputy, or other chiefe Gouernour or Gouernours, and Councell of this Kingdome for the time being, shall thinke fit; Of which Commissioners, the Custos Rotulorum in euery Countie, to be alwayes one, and one of the Quorum; which Commissioners shall consider aswell of the number fit to be allowed for keeping Ale-houses, as of the places where the same shall be kept, and of the abilitie and sufficiencie of the persons that shalbe licensed to keep the same; which said Commissioners, or two of them at the least (whereof one to bee of the Quorum) shall within one moneth after Easter yearely, assemble at the Quarter-Sessions, or some other knowne places within the limits of their Cõmissions, and then & there shall make choyce of such persons, whom (aswell for their good behauiour, as for their abilities, and conueniencie of houses, furniture, and places of dwelling), they shall know, or bee credibly informed to bee the fittest to keepe Ale-houses, taking alwayes speciall care, that such as they shall license, bee persons of good behauiour & report, able to entertaine trauellers; and that their dwellings be in conuenient places, as in market Townes, in Villages on Road-wayes, in Townes wherein are Parish Churches, and not in Boggs, or Woods, or other vnfit places. And that the same Cõmissioners, or any two of them, (so one be of the Quorum) shall license such persons to keepe Ale-houses for one yeare following the making of such Licence, and no longer: And that the party so licensed, shall immediatly enter into Recognizance, with a good surety to his Maiesties vse, of Ten pounds sterling, before the said Cõmissioners, by whom he shall be so licensed: The condition of which Recognizance shalbe; That the party so licensed, shall obserue the assize of Bread, and Ale, and Beere, and shall sell the same & all other Victuals & Prouisions for Trauellers & Strangers, at reasonable rates, and shall not make or vtter any vnwholesome Bread, Beere, Ale, or Victualls, and shall keepe two Beds at the least, well & conueniently furnished for the lodging of Strangers, and not to vse or suffer any drunkennesse, or excessiue drinking, or any common diceing, or carding, or other vnlawfull Games, and to keepe good order and rule in his, or their houses, nor willingly to harbour any suspected persons, or any of ill behauiour, or any of the neighbors seruants, during the time of their Licences, and not

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to harbour any ſtranger in his, or their houſes, (vnleſſe in caſe of ſickneſs, or other reaſonable cauſe) aboue foure and twenty houres. The ſaid Licences to be made, and the ſaid Recognizances to bee acknowledged at the publique Seſſions, or other meetings of the ſaid Commiſſioners for that purpoſe, and not otherwiſe. And that the ſaid Commiſſioners by their ſaid Commiſſions, ſhalbe eſpecially authorized, aſwell to take the acknowledgment of the ſaid Recognizances to his Maieſties vſe, as to make the ſaid Licences. And that euery ſuch Ale-houſe keeper ſhall pay to his Maieſties vſe, the ſaid fiue ſhillings ſix pence, currant money of and in England, and no more, to the hands of a Collector, to be appointed for that purpoſe, by the Cuſtos Rotulorum in euery County; of which Collector, the Cuſtos Rotulorum is to take good bonds, and returne them to the Exchequer, the ſame fiue ſhillings ſix pence to be payd before the perſō ſo to be licenſed, take out his Licence: And that the Collectors aforeſaid, ſhall attend euery Cōmiſſion & Seſſion of the ſaid Cōmiſſioners, aſwell to make Licences and Recognizāces, and to enter the names of all ſuch as ſhalbe licenſed, and the ſaid Recognizances into a faire Booke: As alſo to receiue ſuch moneyes as ſhall accrew out of the ſaid Licences vnto his Maieſtie, and the ſeuerall ſummes thereof likewiſe to enter into the ſaid booke, which booke, and euery Recognizance entred therein, at the end of euery ſitting, ſhalbe ſigned by the hands of two of the Commiſſioners at the leaſt (whereof one to be of the Quorum) and ſhall be returned, together with ſuch money as ſhalbe receiued in the Exchequer, before the end of Eaſter Tearme yearely, by the ſaid Commiſſioners. And if the ſaid Commiſſioners, or any of them, or the ſaid Collector, ſhall conceale the names of any perſon or perſons ſo licenſed, or any ſumme or ſummes of moneyes receiued for the ſame, or any of the ſaid Recognizances, the party ſo offending, ſhall ſuffer ſuch puniſhment by fine, impriſonment, or otherwiſe, as his offence ſhall deſerue.

And bee it further enacted by the authority aforeſaid, That no perſon (after one moneth after the end of this Seſſion of Parliament) ſhall preſume to keep any Common Ale-houſe, or Tipling-houſe, or to vſe common ſelling of Beere or Ale by retayle, without Licence, vpon paine that euery perſō offending herein, ſhall ſuffer ſuch puniſhment by fine, impriſonment, or otherwiſe, as his offence ſhall deſerue: And that the ſaid Collector ſhall neither directly, nor indirectly, exact, take, or receiue of any perſon to be licenſed, as aforeſaid, any ſumme of money, fee, or reward, for the ſaid Recognizance, Licence, or Acquittance, other then the ſaid fiue ſhillings ſix pence, for his Maieſties vſe, as aforeſaid, for keeping an Ale-houſe, or Tipling-houſe, commonly ſelling Ale, or Beere, by retaile, without Licence, vpon paine of ſuch puniſhment, as aforeſaid, and ſhall alſo be put from his office: And that none of the ſaid Commiſſioners, ſhall either directly, or indirectly, take any

ſumme of money, fee, or reward, of any of the ſaid Ale-houſe-keepers, for & concerning the obtaining of his Licence, vpon paine that he or they ſo offending, ſhalbe puniſhed, as aforeſaid.

Prouided alwayes, that ſuch perſons as ſhall ſell Ale or Beere onely in places where the Generall Aſſizes, or the Quarter-Seſſions ſhalbe kept, during the time of the Aſſize or Seſſions, or at Faires during the time of the Faires, ſhall not be impeached for keeping the ſame without Licence. And we doe further order and eſtabliſh, That euery Collector to be appointed, as aforeſaid, ſhall haue for his labour in the execution of the ſaid office, ſix pence Engliſh out of euery Licence per annum, to be payd him out of the ſaid five ſhillings ſix pence, to be receiued for Licences, as aforeſaid: and the ſame to be allowed him vpon his Accompts, which Accompts are to be taken without payment of any Fees. Which allowance of ſix pence Engliſh yearly out of euery Licence, is intended onely for the firſt yeare, and after the firſt yeare, the ſame to be either moderated, cõtinued, or adũced higher, as the Lord Deputy, or other chiefe Gouernour & Councell for the time being, ſhall finde to bee moſt conuenient for his Maieſties ſeruice. And that euery one ſo to be licenſed, ſhall haue ſome ſigne, ſtake, or buſh at his doore, to giue notice vnto ſtrãgers & trauellers, where they may receiue entertainment of meat, drinke & lodging, for their reaſonable money.

And bee it further enacted by the authority aforeſaid, That in caſe any perſon or perſons whatſoeuer, ſhall preſume to offend cõtrary to the intention of this Act, or ſhall incurre any forfeiture or penalty therein mentioned, That euery ſuch perſon or perſons ſo offending, ſhalbe proceeded againſt, and puniſhed either before the Lord Deputy, or other chiefe Gouernour or Gouernours, and the Counſell of State here for the time being, or in his Maieſties Court of Exchequer, or before the Iuſtices of Aſſize, at their generall Aſſizes (who ſhall haue full power & authority to heare & determine the ſame) by all ſuch wayes, and in ſuch manner and forme, as to each of them reſpectiuely in their diſcretions ſhalbe thought fit, aſwell for puniſhment of the Offendors by fine and impriſonment, or otherwiſe, as alſo for reducing them to obedience and conformitie.

And bee it further hereby declared, That his Maieſty in his abundant care of the good & quiet of his Subiects, hath reſolued not to intereſt any priuate perſon whatſoeuer in this particular, or in the profite which ſhall ariſe thereby, but intendeth to retaine the ſame in his owne hands, and that the ſame ſhalbe wholly managed by his Maieſtie, and by his Miniſters, for the publique good, and the better gouernment thereof, that ſo his Maieſties Subiects may take notice of his gracious care & reſpect of their good and quiet, and that all thoſe whoſe ſeruices ſhalbe neceſſary herein, may the more induſtriouſly labour in the performance of their duties, which as it ſhalbe taken in good part at their hands:

So

So on the other ſide, thoſe who ſhalbe found remiſſe or negligent herein, may expect due puniſhment to be inflicted on them.

And bee it further enacted by the authority aforeſaid, That this preſent Act ſhalbe publiſhed and made knowne vnto the people by publique Proclamation in euery market Towne.

CAP. VI.

An Act for Repeale of divers Statutes heretofore enacted in this Kingdome of Ireland.

WHereas diuers Statutes of force within this Kingdome, are now by reaſon of the bleſſed change of times, growne out of vſe, and many of them not fit to be continued, as not ſorting with the condition of the preſent times, and the happy gouernment vnder which the Subiects of this Kingdome doe liue. And that after ſo long a quiet among his Maieſties Subiects thereof, whoſe zeale to his Maieſties ſeruice is manifeſted vpon all occaſions, any Nationall diſtinction or difference betweene them, might proue dangerous.

For the abolition of diſtinction & difference betweene his Maieſties ſaid dutifull Subiects of his ſaid Realme of Ireland, And for the perpetuall ſettling of peace and tranquillity among them: His moſt excellent Maieſty intending the common and conſtant good of his ſaid Realme of Ireland, and of his Subiects of the ſame, and of their poſterity for euer hereafter, and at the humble deſire of his ſaid Subiects, is graciouſly pleaſed, that it may be enacted by his Maieſty, and the Lords Spirituall & Temporall, and the Commons in this preſent Parliament aſſembled, and be it enacted by the authority of the ſame, that one Statute made in this Realme of Ireland, in the fiue and twentieth yeare of the reigne of the late King Henry the ſixth, late King of England, and Lord of Ireland, whereby it is ordained, that he that wilbe taken for an Engliſh man, ſhall not vſe a Beard vpon his vpper-lippe alone, the Offendor ſhalbe taken as an Iriſh Enemy. And one other Statute made in the ſaid Realme, in the ſaid fiue and twentieth yeare of the raigne of the ſaid late King Henry the ſixth, whereby it is ordained, That if any Iriſh Enemy, receiued to the Kings alleageance, ſhalbe found after to robbe, ſpoyle and deſtroy the Liege people, it ſhalbe lawfull for euery Liegeman, to doe with him and with his goods, as to a man that neuer was become Liege. And one other Statute made in the ſaid Realme, in the ſaid fiue and twentieth yeare of the raigne of the ſaid late King Henry the ſixth, againſt clipped money, money called O Reylies money, and other vnlawfull money, and againſt guilt Bridles, Poy-

trells, and other guilt Harnyes. And one other Statute made in the ſaid Realme, in the eight and twentieth yeare of the raigne of the ſaid late King Henry the ſixth, that no Marchour, nor other man, ſhall keepe more Horſemen or Footmen, then they ſhall anſwere for, and maintaine vpon their owne charges, and their Tenants, and for preſenting the names of their men: And that none ſhall take Coynee, Cuddyes, or night Suppers, nor ſhall take pledge for them, the Offendors ſhall bee Fellons. And one other Statute made in the ſaid Realme, in the three and thirtieth yeare of the raigne of the ſaid late King Henry the ſixth, that euery man ſhall anſwere for his Son and waged men. And one other Statute made in the ſaid Realme of Ireland, in the fifth yeare of the raigne of the late King Edward the fourth, late King of England, and Lord of Ireland, that it ſhalbe lawfull to kill any that is foũd robbing by day or by night, or going or comming to robbe or ſteale in the Countie of Meath, hauing no faithfull man of good name or fame in his or their Company in Engliſh apparell. And one other Statute made in the ſaid Realme of Ireland, in the tenth yeare of the raigne of the late King Henry the ſeventh, late King of England, and Lord of Ireland, whereby it is enacted, that one borne within the Realme of England, to be Conſtable of the Caſtle of Dublin, Tryme, Lerlin, Athlone, Wicklow, Green-caſtle, Carlingford, and Carigfergus. And one other Statute made in the ſaid Realme of Ireland, in the eleventh yeare of the raigne of the late Queene Elizabeth, for the limitation of tanning of Lether. And one other Act made in the ſaid Realme, in the ſaid eleventh yeare of the ſaid Queene Elizabeth, That fiue perſons of the beſt and eldeſt of euery Nation amongſt the Iriſhry, ſhall bring in all the idle perſons of their Surname, to be iuſtified by Law, Bee from henceforth vtterly repealed, and made voyde, and of none effect, to all intents, conſtructions, and purpoſes.

CAP. VII.

¶ An Act of explanation of a Statute made in this Realme, in the eighteenth yeare of the raigne of the late King *Edward* the fourth, intituled, an Act whereby diſtreſſes taken for rent, may be ſolde.

WHereas at a Parliament holden in this Kingdome, in the eighteenth yeare of the raigne of the late King Edward the fourth, late King of England, and Lord of Ireland, It was ordained & accorded by authority of that Parliament, that when any Lord thencefoorth, take any diſtreſſe, if the diſtreſſe bee not quit within eight dayes after the taking, that then it ſhalbe lawfull

full to the Lord to call before him or his Officer, foure men of the ſame Lordſhip, and to make them ſweare before him or his Seneſchall, or his receiuer, vpon a booke, to praiſe the diſtreſſe or diſtreſſes ſo taken. And if he from whom the diſtreſſe is taken, doe not come within other eight dayes after the praiſement, and pay his duty, or make no agreement with his Lord, or his Officer, then the Lord to take it as it is praiſed, for his rent, with his dammages. And if the Diſtreſſe be better then the Rent with the Arrerages, the Lord to reſtore the ſurpluſage vnto the Tenant. And if it be of leſſer price then the value of the Rent, with the Arrerages, the Tenant to pay the ſurpluſage, or to be againe diſtrained.

And foraſmuch as diuers doubts & ambiguities did, and daylie doe ariſe, whether the ſaid Statute can extend vnto any, but vnto very Lord, and very Tenant: Bee it therefore enacted, adiudged, and declared by the Kings moſt excellent Maieſty, and the Lords Spirituall & Temporall, and Commons in this preſent Parliament aſſembled, and by authority of the ſame, That all & euery perſon & perſons, bodies politique & corporate, and other perſons whatſoeuer, who is, or are, or hereafter ſhalbe ſeized in Fee, or Fee tayle, generall or ſpeciall, or as Tenant after poſſibility of iſſue extinct, as Tenant for life or liues, in dower, or by the curteſie of England, or of any other Eſtate of Free-hold, or that now is, or are, or hereafter ſhalbe poſſeſſed as of an Eſtate for yeares, Guardian in Chiualrie, or Socage, or as Tenant by Elegit, Statute Merchant, or Statute Staple, or of any other Eſtate for yeares, or eſtate equiualent thereunto, of any Honors, Caſtles, Lands, Tenements, or other Hereditaments whatſoeuer: and alſo all & euery Grantee or Grantees, of any one or more rent or rents charge, and the heires, ſucceſſors, and aſſignes of euery ſuch Grantee or Grantees, and euery other perſon and perſons whatſoeuer, ſhall & may from henceforth diſtraine for their and euery of their rents, cuſtomes, duties & ſeruices to them & euery of them reſerued, or to be reſerued, or due, and payable, and for which it is, or ſhalbe lawfull to diſtraine by the Law of this Realme, for, or out of any Honors, Caſtles, Manors, Lands, Tenements, and Hereditaments whatſoeuer: That it ſhall & may be lawfull for all and euery the ſaid perſon & perſons, bodies politique & corporate, and to the ſaid Grantee or Grantees, his & their heires, ſucceſſors and aſſignes, to impound, appraiſe, ſell, and otherwiſe to vſe, diſpoſe of, and conuert to his or their vſe, the ſaid diſtreſſes to be taken, as aforeſaid, as in caſe betweene very Lord and very Tenant, ſhould be lawfull either by the Statute before-mentioned, or by any other Law or Statute whatſoeuer.

Prouided alwayes, and bee it further enacted by the authority aforeſaid, That the ſaid apraiſement bee made vpon oath by foure or more honeſt and diſcreet perſons of the ſame Pariſh, where the ſaid diſtreſſe ſhall be taken in the ſame manner, as the

ſame

ſame hath beene done by foure perſons of the Lordſhip, in caſe betweene very Lord, and very Tenant: The ſaid oath to be adminiſtred by the partyes diſtrayning, or by their Seneſchall, Bayliffe, or Receiuer.

CAP. VIII.

¶ An Act to give coſts to the Defendant, vpon a Non-ſuite of the Plaintiffe, or a verdict againſt him.

FOr the further diſcouraging of vniuſt vexations of his Maieſties Subiects of this Realme, by bringing againſt them friuolous and vniuſt Suits: Bee it enacted by the Kings moſt excellent Maiеſty, the Lords Spirituall and Temporall, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame: That if any perſon or perſons, at any time after the end of this preſent Seſſion of Parliament, ſhall cõmence or ſue in any Court of Record, or in any other Court, any Action, Bill, or Plaint of Treſpaſſe, of Ejectione firme, or any other Action whatſoeuer, wherein the Plaintiffe or Demaundant might haue coſts, (if in caſe Iudgment ſhould bee giuen for him) and the Plaintiffe or Plaintiffes, Demaundant or Demandants, in any ſuch Action, Bill or Plaint, after apparance of the Defendant or Defendants, be Non-ſuited, or that any verdict happen to paſſe by any lawfull tryall againſt the Plaintiffe or Plaintiffes, Demandant or Demandants in any ſuch Action, Bill, or Plaint: Then the Defendant and Defendants in euery ſuch Action, Bill or Plaint, ſhall haue Iudgment to recouer his Coſts againſt euery ſuch Plaintiffe and Plaintiffes, Demandant & Demandants, to be aſſeſſed, taxed & levyed in manner & forme, as Coſts in other Actions are to be aſſeſſed, taxed, and levyed, in and by an other Law made in this preſent Parliament: Prouiding that the Defendant ſhall recouer Coſts in certaine Actions therein named, where the Plaintiffe ſhould become Non-ſuit, or a Verdict ſhould be had againſt him.

CAP. IX.

CAP. IX.

¶ An Act for the limiting of Peremptory challenges in cases of Treason and Felonies &c.

FOr the more speedy Tryall of Traytors & Fellons, Bee it enacted by our Soueraigne Lord the Kings Maiesty, the Lords Spirituall & Temporall, and Commons in this present Parliament assembled, and by the authority of the same, That from & after the end of this present Parliament, no manner of person or persons whatsoeuer, that shalbe arraigned for any offence or offences of high Treason, Petty Treason, Murder, Man-slaughter, or any other fellonie whatsoeuer, shalbe admitted to challenge Peremptory aboue the number of twentie such persons, as shalbe returned for the tryall of the said Offendors, or any of them. And if in case any the Offendor or Offendors aforesaid, vpon his or their Arraignment, or Tryall, shall challenge peremptory aboue the number aforesaid, That then the Justice or Justices, Commissioner or Commissioners, and all and euery other person and persons, which shall haue power and authority for the tryall of such Offendor or Offendors, shall and may proceede to giue such Judgment and Judgments, against such Offendor & Offendors, and award such Execution & Executions vpon the same, as he or they should, might, or ought to haue done, if the said Offendor or Offendors had challenged Peremptorily the nũber of six & thirty or more, before the making of this Statute: Any Law, Statute, custome, or vsage to the contrary in any wise notwithstanding.

CAP. X.

¶ An Act to prevent and punish the abuses in procuring Processe and Super-sedeas of the Peace, and good behaviour, out of his Maiesties Courts of Chancery, and Kings Bench, and to prevent abuses in procuring Writs of *Certiorari* &c.

WHereas diuers turbulent and contentious persons, some out of malice, and others in hope of gaine, by way of composition, doe oftentimes, vpon their corporall oathes, peremptorily and corruptly taken, or otherwise vpon false suggestions & surmises, procure processe of the Peace, or good behauiour, out of his Maiesties Courts of Chancery, and Kings Bench, against diuers

of his Maieſties quiet Subiects, whoſe dwellings & aboades are for the moſt part, in Countreyes farre diſtant & remote from the ſaid Courts, to their intollerable trouble and vexation, whereas they might vpon good cauſe ſhewed, receiue Iuſtice at the hands of the Iuſtices of the Peace, in the Countyes where they dwell.

For remedy wherof, Be it enacted by the authority of this preſent Parliament, That all proceſſe of the Peace, or good behauiour, after the end of this Parliament, to be granted or awarded out of the ſame Courts, or either of them, againſt any perſon or perſons whatſoeuer, at the ſuite of, or by the proſecution of any perſon or perſons whatſoeuer ſhalbe voyde, and of none effect, vnleſſe ſuch proceſſe ſhalbe ſo granted or awarded, vpon motion firſt made, before the Iudge or Iudges of the ſame Courts reſpectiuely, ſitting in open Court, and vpon declaration in writing vpon their ſeuerall oathes, to be then exhibited vnto them, by the parties which ſhall deſire ſuch proceſſe of the cauſes, for which ſuch proceſſe ſhalbe granted, or awarded, by, or out of any of the ſaid Courts reſpectiuely, and vnleſſe that ſuch motion & declaration be mentioned to be made, vpon the back of the Writ, the ſaid writings there to be entred, and remaine of Record. And that if it ſhall afterwards appeare vnto the ſaid Courts, or either of them reſpectiuely, that the cauſes expreſſed in ſuch writings, or any of them be vntrue: That then the Iudge or Iudges of the ſaid Courts, or either of them reſpectiuely, ſhall & may award ſuch coſts & damages vnto the parties grieued, for their, or any of their wrongfull vexations in that behalfe, as they ſhall thinke fit. And that the party or parties ſo offending, ſhall & may be cõmitted to priſon by ſuch Iudge or Iudges, vntill he or they pay the ſaid coſts & damages. And whereas diuers turbulent & contentious perſons, deſeruedly fearing to be bound to the Peace, or good behauiour, by the Iuſtices of the Peace of the Counties where they dwell, doe often times procure themſelues to be bound to the Peace, or good behauiour in the ſaid Courts, or one of them, vpon inſufficient ſureties, or vpon colourable proſecution of ſome perſon or perſons, who wilbe ready at all times to releaſe them at their owne pleaſure, whereupon his Maieſties writs of Superſedeas are often-times directed to the Iuſtices of Peace, and other his Maieſties Officers, requiring them & euery of them, to forbeare to arreſt or impriſon the parties aforeſaid, for the cauſes aforeſaid; by meanes whereof, the ſaid turbulent and contentious perſons, miſdemeane thẽſelues amõgſt their neighbors, with impunitie, to the great offence & diſturbance of their neighbors, amongſt whom they converſe & liue, and to the affront of the Iuſtices of Peace, and to the euill example and incouragement of like euill diſpoſed perſons.

Be it therefore enacted by the authority aforeſaid, That all writs of Superſedeas, after the end of this preſent Parliament to be granted by, or out of either of the Courts aforeſaid, ſhalbe voyd

and

and of none effect, vnleſſe ſuch proceſſe bee granted likewiſe vpon motion in open Court, firſt made as aforeſaid, and vpon ſuch ſufficient ſureties, as ſhall appeare to the Iudge or Iudges of the ſame Court reſpectiuely, vpon oath to bee aſſeſſed at fiue pounds lands, or ten pounds in goods in the Subſidie booke at the leaſt; which oathes, and the names of ſuch ſureties, with the places of their abode, and where they ſtand ſo aſſeſſed in the Subſidie book, ſhalbe entred & remaine of Record in the ſame Courts: And vnleſſe it ſhall alſo firſt appeare vnto the ſaid Iudge or Iudges from whom ſuch Superſedeas is deſired, that the proceſſe of the Peace, or good behauiour, is proſecuted againſt him or them, deſiring ſuch Superſedeas bona fide, by ſome party grieued in that Court, out of which, ſuch Superſedeas is deſired to be ſo awarded and directed.

And whereas diuers lewde and euill-diſpoſed perſons, cõmonly called Common Baylers, or Knights of the Poſte, being baſe & beggerly perſons, doe oftentimes procure themſelues to be aſſeſſed at high rates in the Subſidie-bookes, and ſometimes doe falſely take vpon them the names of other men, of good abilitie, of purpoſe to enable themſelues to be accepted for Bayle; which perſons being of ſmall, or no abilitie or worth, are ready for lucre & gaine, to become bound by Recognizance, as ſureties for ſuch perſons as ſhall procure themſelues to bee bound to the peace or good behauiour, as aforeſaid: By meanes whereof, the Iudge or Iudges of the ſaid Courts, not knowing them, may bee eaſily abuſed, and iuſtly deluded.

Bee it therefore enacted by the authority aforeſaid, That the Iudge or Iudges of the Courts aforeſaid, reſpectiuely, or either of them, vpon proofe of any of the miſdemeanors aforeſaid, to bee committed in the obtayning of the aforeſaid Writs of Superſedeas, or procuring ſuch ſuretie, as aforeſaid, ſhall and may likewiſe puniſh the falſe & inſufficient ſureties, and Baylers aforeſaid, and the procurers therof, according to their diſcretions, ſo as ſuch puniſhment extend not to the loſſe of life or member.

And whereas diuers Bills of Indictment of Ryot, forcible Entry, or of Aſſault and Battery, or other treſpaſſes, being found before the Iuſtices of Aſſize, at the generall Aſſizes, or before the Iuſtices of Peace at their Quarter-Seſſions of the Peace, or otherwiſe, are often-times remoued from the Counties where ſuch Indictments are found by Writs of Certiorari vnto them directed out of the ſaid Courts, or by the meanes of the perſons ſo indicted, who well know, that few or no perſons grieued by ſuch their out-rages & miſdemeanors, whereof they ſtand ſo indicted, will vnder-goe the trauaile or charge of proſecution of ſuch Indictments ſo remoued, by bringing the parties ſo indicted to tryal: By meanes wherof, ſuch offendors for the moſt part eſcape vnproſecuted & vnpuniſhed, and the King loſeth the fines which ought & ſhould haue been impoſed vpõ thẽ, if ſuch indictmẽts had been proſecuted

ſecuted, and not remooued.

Bee it therefoze enacted, That all ſuch Wzits of Certiorari, ſhall from & after the end of this pzeſent Parliament, bee deliuered at the Generall Aſſizes, oz at ſome Quarter-Seſſions of the Peace reſpectiuely in open Court, and that the parties indicted, ſhall befoze the allowance of ſuch Certioraries, become bound vnto ſuch perſon oz perſons, which ſhall pzoſecute ſuch Bills of Indictment againſt them, in the ſumme of ten pounds, with ſuch ſufficient ſureties, as the Juſtices of Aſſizes, at their generall Aſſizes, oz the Juſtices of the Peace, at their ſaid Quarter-Seſſions of the Peace, ſhall thinke fit, with condition to pay vnto the ſaid pzoſecutoꝛs of ſuch Bills of Indictment, within one moneth after the conviction of ſuch parties indicted, ſuch reaſonable coſts & dammages as the Juſtices of Aſſize, oz Juſtices of Peace of ſuch Counties where ſuch Bills of Indictment ſhall be found in the generall Aſſizes oz Seſſions of the Peace reſpectiuely ſhall aſſeſſe, oz allow, and that in default thereof, it ſhalbe lawfull foz the ſaid Juſtices of Aſſize, and Juſtices of the Peace reſpectiuely, to pzoceede to tryall of ſuch Indictments: Any ſuch Wzits of Certiorari to remoue the ſame Indictments notwithſtanding.

CAP. XI.

An Act for the eaſe of the Subject, concerning Information upon penall Statutes.

WHereas the offences againſt diuers and ſundzy penall Lawes and Statutes of this Realme, may better and with moze eaſe, and leſſe charge to the Subiect, bee commenced, ſued, infoꝛmed againſt, pzoſecuted & tryed in the Counties where ſuch offences ſhalbe committed. And whereas the pooze Commons of this Realme are grieuouſly charged, troubled, vexed, moleſted & diſturbed by diuers troubleſome perſons, commonly called Relatoꝛs, Infoꝛmers, and Pzomoters, by pzoſecuting & infoꝛcing them to appeare in his Maieſties Courts at Dublin, and to anſwere offences ſuppoſed by them to be committed againſt the ſaid penall Lawes and Statutes, oz elſe to compound with them foz the ſame.

Foz remedy whereof, Bee it enacted by the authoꝛity of this pzeſent Parliament, That all offences hereafter to bee committed againſt any penall Statute, foz which any common Infoꝛmer oz Pzomoter, may lawfully ground any popular Action, Bill, Plaint, ſuite, oz infoꝛmation, befoze Juſtices of Aſſize, Juſtices of Niſi prius, oz Gaole-deliuery, Juſtices of Oyer & Terminer, oz Juſtices of the Peace, in their Generall oz Quarter-Seſſions, ſhall after

after the end of this preſent Seſſion of Parliament bee commenced, ſued, proſecuted, tryed, recouered, and determined by way of Action, Plaint, Bill, Inforꝛmation, oꝛ Indictment, beforꝛe the Iuſtices of Aſſize, Iuſtices of Niſi prius, Iuſtices of Oyer and Terminer, and Iuſtices of Gaole-deliuery, oꝛ beforꝛe the Iuſtices of Peace of euery County, Citty, Burꝛough, oꝛ Towne Coꝛpoꝛate, and liberty, hauing power to enquire of, heare, and determine the ſame within this Realme of Ireland, wherein ſuch offences ſhall be committed in any of the Courts, places of Iudicature, oꝛ liberties afoꝛeſaid, reſpectiuely, onely at the choice of the parties, which ſhall oꝛ will commence Suite, oꝛ proſecute foꝛ the ſame, and not elſe-where: Saue onely in the ſaid Counties oꝛ places vſuall foꝛ thoſe Counties, oꝛ any of them: And that like proceſſe vpon euery popular Action, Bill, Plaint, Inforꝛmation, oꝛ Suite, to be commenced oꝛ ſued, oꝛ proſecuted after the end of this preſent Seſſion of Parliament, by foꝛce of, oꝛ accoꝛding to the purpoꝛt of this Act, be had and awarded, to all intents and purpoſes, as in an Action of Treſpaſſe, Vi & Armis, at the Common Law, And that all and all manner of Inforꝛmations, Actions, Bills, Plaints and Suits whatſoeuer hereafter to be commenced, ſued, proſecuted oꝛ awarded, either by the Attourney Generall of his Maieſtie, his Heires oꝛ Succeſſoꝛs foꝛ the time being, oꝛ by any Officer oꝛ Officers whatſoeuer, foꝛ the time being, oꝛ by any common Inforꝛmer, oꝛ other perſon whatſoeuer, (in any of his Maieſties Courts of Dublin) foꝛ oꝛ concerning any the offences, penalties, oꝛ foꝛfeitures afoꝛeſaid, ſhalbe voyde, and of none effect: Any law, cuſtome, oꝛ vſage to the contrary thereof notwithſtanding.

And bee it further enacted by the authoꝛity afoꝛeſaid, That in all Inforꝛmations to bee exhibited, and in all Bills, Counts, Plaints & Declarations, in any Action, oꝛ Suite, to be commenced againſt any perſon oꝛ perſons, either by, oꝛ on the behalfe of the King, oꝛ any other, foꝛ, oꝛ concerning any offence committed, oꝛ to be committed againſt any Penall Statute, the offence ſhalbe layed & alledged to haue beene committed in the ſaid County, where ſuch offence was in truth committed, and not elſwhere. And if the Defendant to any ſuch Inforꝛmation, Action, oꝛ Suite, pleadeth that he oweth nothing, oꝛ that he is not guilty, and the Plaintiffe, oꝛ Inforꝛmer in ſuch Inforꝛmation, Action oꝛ Suit vpon euidence to the Iury that ſhall try ſuch Iſſue, ſhall not both proue the offence laid in the ſaid Inforꝛmation, Action, oꝛ Suite, and that the ſame offence was committed in that Countie, Then the Defendant and Defendants ſhalbe found not guiltie.

And bee it further enacted by the authoꝛity afoꝛeſaid, That no Officer oꝛ Miniſter, in any Court of Recoꝛd, ſhall receiue, file, oꝛ enter of Recoꝛd, any Inforꝛmation, Bill, oꝛ Plaint, Count oꝛ Declaration, grounded vpon the ſaid Penall Statutes, oꝛ any of them, which beforꝛe by this Act are appointed to be heard and determined

termined in their proper Counties, vntill the Informer or Relator hath first taken a corporall oath before some of the Judges of that Court, that the offence or offences, layde in such Information, Action, Suite, or Plaint, was, or were, not committed in any other Countie, then where by the said Information, Bill, Plaint, Count or Declaration, the same is, or are supposed to haue been committed, and that he beleeueth in his conscience, the offence was committed within a yeare before the Information or Suit within the same Countie, where the said Information or Suite was commenced, the same oath to be there entred of Record.

And bee it also enacted by the authority aforesaid, That if any Information, Suit, or Action shalbe brought or exhibited against any person or persons, for any offence committed, or to be committed against the forme of any penall Law, either by, or on the behalf of the King, or by any other, or on the behalfe of the King, and any other; It shalbe lawfull for such Defendants to pleade the Generall Issue, that they are not guilty, or that they owe nothing, and to giue such speciall matter in euidence to the Jury that shall try the same; which matter being pleaded, had been a good & sufficient matter in Law, to haue discharged the said Defendant or Defendants against the said Information, Suite, or Action: And the said matters shalbe then as availeable to him or them, to all intents & purposes, as if he or they had sufficiently pleaded, set forth, or alleadged the same matter in Barre, or discharge of such Information, Suite, or Action.

Provided alwayes, That this Act, or any clause contayned therein, shall not extend to any Information, Suite, or Action, brought for maintenance, champertie, or buying of Titles, nor for or concerning the concealing or defrauding the King, his Heires, or Successors, of any Custome, Tunnage, Poundage, Subsidie, Impost, or Prisage, or fortransporting of Gold, Siluer, Ordnance, Powder, Shot, Munition of all sorts, Wooll, Wooll-fells, or Leather, nor to any Action, Bill, Plaint, or Information, grounded vpon the Statute of 23. of King Henry the sixt, Capite 10. against any Sheriffe, for not making yearely a Deputy in the Kings Court of Chauncery, Chiefe place, Common place, and Exchequer, to receiue all manner of Writts & Warrants, to be deliuered them, as by that Statute is enacted and ordained: But that such Action, Bill, Plaint, or Information, may be brought into any of the Kings Courts at Dublin; And that such offences may be layed, or alleadged to be in any Countie, at the pleasure of any Informer: Any thing in this Act to the contrary notwithstanding,

CAP. XII.

CAP. XII.

¶ An Act for new Executions to be ſued againſt any which hereafter ſhalbe deliuered, out of Execution, by priuiledge of Parliament.

FOrasmuch as doubt hath beene made heretofore, if any perſon, being arreſted in Execution, and by priuiledge of either of the Houſes of Parliament ſet at liberty, whether the party at whoſe ſuite ſuch Execution was purſued, be for euer after barred and diſabled to ſue forth a new Writ of Execution in that caſe.

For the auoyding of all further doubt & trouble, which in like caſes may hereafter enſue, Be it enacted by the Kings moſt excellent Maieſty, by the Lords Spirituall & Temporall, and by the Commons in this preſent Parliament aſſembled, That from henceforth the party, at or by whoſe ſuite, ſuch Writ of Execution was purſued, his Executors or Adminiſtrators after ſuch time, as the priuiledge of that Seſſion of Parliament, in which ſuch priuiledge ſhalbe ſo granted ſhall ceaſe, may ſue forth & execute a new Writ or Writs of Execution, in ſuch manner & forme, as by the Lawes of this Realme he might haue done, if no ſuch former Execution had been taken forth, or ſerued: And that from henceforth no Sheriffe, Bayliffe, or other Officer, from whoſe arreſt or cuſtody, any ſuch perſon ſo arreſted in Execution, ſhalbe deliuered by any ſuch priuiledge, ſhalbe charged or chargeable, with, or by any Action whatſoeuer, for deliuering out of Execution, any ſuch priuiledged perſon ſo as is aforeſaid, by ſuch priuiledge of Parliament ſet at liberty: Any Law, cuſtome, or priuiledge heretofore to the contrary notwithſtanding.

Prouided alwayes, That this Act, or any thing therein contained, ſhall not extend to the diminiſhing of any puniſhment to bee hereafter by cenſure in Parliament inflicted vpon any perſon, which hereafter ſhall make, or procure to be made, any ſuch arreſt, as is aforeſaid.

CAP. XIII.

¶ An Act for the following of Hue and Crye.

WHereas by two ancient Statutes made in England, the one in the Parliament holden at Wincheſter, in the thirteenth yeare of the raigne of King Edward the firſt, and the other in the eight and twentieth yeare of King Edward the third, it was for the

the better repꝛeſſing of Robberies and Felonies, (amongſt other things) enacted to this effect; That if the Countrey doe not anſwer foꝛ the bodies of ſuch Malefactoꝛs, that thē the paine ſhould be ſuch, that is, to wit, that the people dwelling in the Countrey, ſhalbe anſwereable foꝛ the Robberies done, and the damages, ſo that the whole Hundꝛed where the Robberie ſhalbe done, the Franchiſes which are within the pꝛecincts of the ſame Hundꝛed, ſhall anſwere the Robberies done; and if the Robberie chance to be done in the diuiſiō of two Hundꝛeds, that then both the Hundꝛeds together, with the Franchiſes within the pꝛecinct of them, ſhalbe anſwerable, as in the ſaid two ſeuerall Statutes, it doth moꝛe at large appeare.

Foꝛaſmuch as the ſaid parts of the ſaid ſeuerall Statutes, being of late dayes moꝛe commonly put in Execution, then heretofoꝛe they haue beene, are found by expꝛience to be very hard and extreame, to many of the Kings Maieſties good Subiects, becauſe by the ſame Statutes they doe remaine charged with the penalties therein contained, notwithſtanding their vnabilitie to ſatiſfie the ſame; And though they doe aſmuch as in reaſon might be required, in purſuing ſuch Malefactoꝛs and Offendoꝛs, wherby both large ſcope of negligence is giuen to the Inhabitants and Reſiants in other Hundꝛeds and Countyes, not to pꝛoſecute the Hue and Cry, made, followed, and bꝛought vnto them, by reaſon they are not chargeable foꝛ any poꝛtion of the goods robbed, noꝛ with any damages in that behalfe giuen, and alſo great encouragement & emboldening is likewiſe giuen vnto the Offendoꝛs, to commit daily moꝛe Felonies and Robberies, as ſeeing it in manner impoſſible foꝛ the Inhabitants & Reſiants of the ſaid Hundꝛeds & Franchiſes wherein the Robbery is committed, to appꝛehend them without the ayde of the other Hundꝛed & Counties adioyning: And foꝛ that alſo the party robbed hauing remedy by the aforeſaid Statutes, foꝛ the recouering of his goods robbed, and damages againſt the Inhabitants and Reſiants of the Hundꝛed wherein the Robbery was committed, is many times negligent & careleſſe in pꝛoſecuting & purſuing the ſaid Malefactoꝛs & Offendoꝛs: Our Soueraigne Loꝛd the King Maieſty, not willing therefoꝛe that his people ſhould be impoueriſhed by any ſuch paine oꝛ penaltie, which ſhould be hard oꝛ grieuous to them, and hauing ſpeciall regard to abate the power of Felons, and to repꝛeſſe Felonies, doth foꝛ remedy thereof, with the conſent of the Loꝛds Spirituall and Tempoꝛall, and of all the Commons in this pꝛeſent Parliament aſſembled, and by the authoꝛity of the ſame Parliament, eſtabliſh & enact, that the Inhabitants & Reſiants of euery Hūdꝛed oꝛ Barony, with the Franchiſes within the pꝛecinct thereof, wherein negligence, fault, oꝛ defect of purſuit, and freſh ſuite, after Hue & Crye made, ſhall happen to bee from & after forty dayes next after the end of this pꝛeſent Parliament, ſhall anſwere

and

and ſatiſſie the one moytie, or halfe of all and euery ſuch ſumme & ſummes of money & damages as ſhall by force or vertue of the ſaid Statutes, or either of them, be recouered or had, againſt, or of the ſaid Hundred or Barony, with the Franchiſes therein, in which Robbery or Fellony ſhall at any time hereafter bee committed or done. And that the ſame moytie ſhall & may be recouered by action of debt, bill, plaint, or information, in any of the Kings Maieſties Courts of Record, by and in the name of the Clearke of the Peace, for the time being, of or in euery ſuch County within this Realme, where any ſuch Robbery & Recouery by the party or partyes robbed ſhalbe; without naming the Chriſtian name or ſurname name of the ſaid Clearke of the Peace, which moytie ſo recouered, ſhalbe to the onely vſe and behoofe of the Inhabitants of the ſaid Hundred or Barony, where any ſuch Robberie or Fellonie ſhalbe committed or done.

And bee it further enacted by the authority aforeſaid, That if any Clearke of the Peace, of or in any County within this Realme, ſhall at any time hereafter commence or preferre any ſuch Suit, Action, or Information, and ſhall after the ſame, ſo ſued, cõmenced, or preferred, happen to dye, or to be remoued out of his Office, before recouery & execution had, that yet no ſuch Action, Suit, Bill, Plaint, or Information, ſued, commenced, or preferred, ſhall by ſuch diſplacing or death, be abated, diſcontinued, or ended: But that it ſhall and may be lawfull, to & for the Clearke of the Peace next ſucceeding in the ſaid County, to proſecute, purſue, and follow all and euery ſuch action, bill, plaint, ſuit, and information, for the cauſes aforeſaid, ſo hanging and depending, in ſuch manner and forme, and to all intents & purpoſes, as that Clearke of Peace might haue done, which firſt cõmenced or preferred the ſaid Suit, Bill, Plaint, or Information. And although the whole Hundred or Barony, where ſuch Robberies & Fellonies are cõmitted with the Liberties within the precinct thereof, are by the ſaid two former Statutes, charged with the anſwering to the party robbed his damages, yet neuertheleſſe the recouery & execution, by and for the party and partyes robbed, is had againſt one, or a very few perſons of the ſaid Inhabitants, and he and they ſo charged, haue not heretofore by Law, had any meanes or way to haue any contribution, of or from the reſidue of the ſaid Hundred or Barony, where the ſaid Robbery is committed; to the great impouerilſhment of them, againſt whom ſuch recouery or execution is had.

For remedy whereof, Bee it enacted by the authority aforeſaid, That after execution of the damages by the party or partyes ſo robbed, had; it ſhall & may be lawfull vpon complaint made by the party or partyes ſo charged, to and for two Juſtices of the Peace, whereof one to be of the Quorum of the ſame County, inhabiting within the ſaid Hundred or Barony, or neere vnto the ſame, where any ſuch execution ſhalbe had, to aſſeſſe & taxe rateably & proportionably

onably, according to their discretions, all and euery the Townes, Parishes, Villages & Hamlets, aswell of the said Hundred or Barony, where any such robbery shalbe committed, as of the Liberties within the said Hundred or Barony, to & towards an equall contribution to be had & made, for the releife of the said inhabitant or inhabitants, against whom the party or partyes, robbed before that time, had his or their execution. And after such taxation made, the Constable or Constables, Headburzough or Headburzoughs of euery such Towne, Parish, Village & Hamlet, shall by vertue of this present Act, haue full power & authority within their seuerall limits, ratably & proportionably to tax & assesse according to their abilities, euery inhabitant & dweller in euery such Town, Parish, Village & Hamlet, for & towards the payment of such taxation and assessment, as shalbe so made vpō euery such Towne, Parish, Village & Hamlet, as aforesaid, by the said Justices. And that if any inhabitant of any such Towne, Parish, Village, or Hamlet, shall obstinately refuse & deny to pay the said taxation & assessment, so by the said Constable, Constables, Headburzough or Headburzoughs taxed & assessed; That thē it shall & may be lawfull to & for the said Constables & Headburzoughs, and euery of them within their seuerall limits & iurisdictiōs, to distrain all & euery person & persons, so refusing & denying, by his & their goods & chattells, & the same distresse to sell, and the mōney thereof cōming, to retaine to the vse aforesaid. And if the goods or chattells so distrained & sold, shalbe of more value then the said taxation shall come vnto, that then the residue of the said money, ouer & aboue the said taxation, shalbe deliuered vnto the said person & persons so distrained. And bee it further enacted, that all & euery of the said Constables and Head-burroughs, after that they haue within their seuerall limits & iurisdictiōs, levied & collected the said rates & summes of money so taxed, shall within ten dayes after such collectiō, pay & deliuer the same ouer vnto the Justices of Peace, or one of them, to the vse & behoofe of the said inhabitant or inhabitants, for whom such rate, taxation or assessment shalbe had or made, as aforesaid: which money so payed, shall by the Justices or Justice of Peace so receiuing the same, be deliuered vpon request made vnto the said inhabitant or inhabitants, to whose vse the same was collected.

And bee it further enacted by authority aforesaid, That the like taxation, assessment, levying by distresse and payment, as aforesaid, shalbe had & done, within euery Hundred and Barony, where default or negligence of pursuit, and fresh suit, shalbe for and to the benefit of all & euery inhabitant & inhabitants of the same Hundred or Barony, where such default shalbe, that shall at any time hereafter by vertue of this present Act, haue any damages, or money levied of them, for, or to the payment of the one moytie, or halfe of the money recouered against the said Hundred or Barony, where any Robbery shalbe hereafter committed.

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Prouided alſo, and bee it further enacted by the authority aforeſaid, That where any Robbery is, or ſhalbe hereafter cõmitted by two, or a greater number of malefactors, and that it happen any of the ſaid offendors to be apprehended by purſuit to be made, according to the ſaid former mentioned Lawes & Statutes, or according to this preſent Act; that then & in ſuch caſe, no Hundred, Barony, or Franchiſes, ſhall in any wiſe incurre or fall into the penalty, loſſe or forfeiture mentioned either in this preſent Act, or in the ſaid former Statutes, although the reſidue of the ſaid malefactors ſhall happen to eſcape, and not to bee apprehended: Any thing in this Statute, or in the ſaid former Statutes to the contrary notwithſtanding. Prouided alſo, that no perſon or perſons hereafter robbed, ſhall take any benefite by vertue of any the ſaid former Statutes, to charge any Hundred or Barony, where any ſuch Robbery ſhalbe committed, except he or they ſo robbed, ſhall commence his or their Suit or Action within one yeare, next after ſuch Robbery ſo to be committed.

And bee it further enacted by the authority aforeſaid, That no Hue or Cry, or purſuit hereafter to be made or done by the Countrey, or Inhabitants of any Hundred, or Barony, ſhalbe allowed & taken to be a lawfull Hue and Cry, or purſuit vpon, or after the ſaid Fellons or Offenders, except the ſame Hue and Cry, and purſuit, be done and made by horſemen and footmen: Any vſage or cuſtome to the contrary notwithſtanding.

And bee it further alſo enacted by the authority of this preſent Parliament, That no perſon or perſons that ſhall hereafter happen to be robbed, ſhall haue or maintaine any action, or take any benefit by vertue of the ſaid two mentioned Statutes, or either of them, except the ſaid perſon & perſons ſo robbed, ſhall with aſmuch conuenient ſpeed as may be, giue notice and intelligence of the ſaid Fellony or robbery ſo committed vnto ſome of the inhabitants of ſome Towne, Village, or Hamlet, neere vnto the place where any ſuch robbery ſhalbe cõmitted, nor ſhall bring or haue any action vpon, or by vertue of any the Statutes aforeſaid, except he or they ſhall firſt within twenty dayes next before ſuch actiõ to be brought, be examined vpon his or their corporall oath, to bee taken before ſome one Juſtice of the Peace of the County, where the robbery was committed, inhabiting within the ſaid Hundred or Barony, where the robbery was committed, or neere vnto the ſame, whether he or they doe know the parties that committed the ſaid robbery, or any of them. And if vpon ſuch examination it be confeſſed, that he or they doe know the party that cõmitted the ſaid robbery, or any of them, that then he or they ſo confeſſing, ſhall before the ſaid action be cõmenced, or brought, enter into ſufficient bond by recognizance, before the ſaid Juſtice, before whom the ſaid examination is had, effectually to proſecute the ſaid perſon & perſons ſo knowne to haue cõmitted the ſaid robbery by indictment, or otherwiſe, according to the due courſe of the Lawes of this Realme.

CAP. XIV.

An Act concerning Errors in Records of Attaindor of high Treason and Fellony.

FOrasmuch as (through corruption, or negligent keeping) The Records, of Attaindors, of Treason, Murder, or Fellony, happen many times to be impaired, blemished, or otherwise to be defective: Bee it ordained and enacted by the authority of this present Parliament, That no Record of Attaindor, that now is, of any person or persons, of or for any high Treason, Murder, or Fellony, where the party so attainted is, or hath beene executed for the same Treason, Murder, or Fellonie, shall by the heire or heires of any such person, or by any other whatsoever, claiming in, frō, by, or vnder any such heire or heires, bee in any wise hereafter reversed, vndone, avoided, or impeached by any plea, or for any error whatsoever.

Provided alwayes neuertheless, that this Act, nor any thing therein cōtained, shall in any wise extend to any Record of Attaindor, of or for any Treason, Murder, or Fellony, vpon which any Writ of Error is now depending, or which Record is already reversed, repealed, or vndone, by, or for any error, matter, plea, or cause whatsoever, but that the same shalbe & remaine, as vnto, and against that party, at whose suit the same Writ of Error is depending, or at whose pursuit the Record hath beene reversed, repealed, or vndone, and his, her, or their heires & assignes onely; as if this Act had neuer had or made: Any thing in this Act to the contrary thereof notwithstanding.

CAP. XV.

An Act against ploughing by the Tayle, and pulling the Wooll off living Sheepe.

WHereas in many places of this kingdome, there hath been a long time vsed a barbarous custome of ploughing, harrowing, drawing, and working with horses, mares, geldings, garrans, and colts, by the taile, whereby besides the cruelty vsed to the beasts, the breed of horses is much impaired in this kingdome, to the great preiudice thereof. And whereas also diuers haue, and yet doe vse the like barbarous custome of pulling off the Wooll yearly from liuing Sheepe, in steed of clipping or shearing of them: Bee it therefore enacted by the Kings most excellent Maiesty, and the Lords Spirituall & Temporall, and the Cōmons in this present Parliament assembled, That no person or persons whatsoeuer, shall after one yeare next ensuing the end of this present Parliament, plough, harrow, draw, or worke, with any horse, gelding, marr, garran, or colt, by the tayle, nor shall cause, procure, or suffer any other to plough vp or harrow his ground, or to draw any other cariages with his horses, mares, geldings, garrans, or colts,

or

or any of them, by the taile: And that no person or persons whatsoeuer, shall after the end of this present Parliamẽt, pull the woole off any liuing sheep, or cause or procure to be pulled, in steed of shearing or clipping of them: And if any shall doe contrary to this Act, and the intention thereof, that the Justices of Assize at the generall Assizes to be holden before them and the Justices of Peace at their Quarter-Sessions, shall haue power by this Act, to enquire of, heare & determine all and euery offence and offences done, contrary to this present Act, and to punish the offendors, which shall doe contrary to the same, by fine and imprisonment, as they in their discretion shall thinke fit.

CAP. XVI.

An Act for the suppressing of Cosherers, & idle Wanderers.

WHereas there are many yong gentlemen of this Kingdome, that haue litle or nothing to liue on of their owne, and will not apply themselues to labour, or other honest industrious courses to support themselues, but doe liue idely & inordinatly, cosshering vpon the Countrey, and selling thẽselues, their followers, their horses & their grey-hounds, vpon the poore inhabitants, sometimes exacting money from them, to spare them and their tenants, and to goe elswhere to their Eaught & Adraugh, viz. Supper & Breakfast, and sometimes craning helpes from them, all which, the poore people dare not deny them, sometimes for shame, but most cõmonly for feare of mischiefe to be done or procured them so refusing; and therefore doe beare it, although vnwillingly, and many times when they are scarce able so to doe, and yet dare not complain for feare of the inconveniences aforesaid, and to that end doe make cuts, levies & plotments vpon themselues to pay them, and giue such entertainment & helps, to the vtter impouerishing & disabling of the poore inhabitants, to pay their duties to the Kings Maiesty, and their rents vnto their Land-Lords; and by this lawlesse kinde of life of these idle gentlemen, and others, being cõmonly active yong men, and such as seek to haue many followers & dependants vpon them, many other inconveniences are likely to arise, for they are apt vpon the least occasion of disturbance, or insurrection, to ryfle & make booty of his Maiesties loyall Subiects, and to be heads & leaders of out-lawes & rebels, and in the meane time doe & must sometimes suppoze their excessiue and expencefull drinking & gaming, by secret stealths, or growing into debts, oftẽtimes such & stand vpon their keeping, & are not amesnable to law.

For prevention of which inconveniences, Be it enacted by the Kings most excellẽt Maiesty, his Lords Spirituall & Temporall, and the Cõmons in this present Parliament assembled, and by authority of the same, that if any person or persons, after the feast of Easter, which shalbe in the yeare of our Lord God, one thousand six

hundreth thirty fiue, that hath no meanes of ability of his owne, or ſufficient meanes of ſuppoꝛt from his parents & kindꝛed, that ſhall walk vp & downe the Countrey, with their foſterers, oꝛ kindꝛed & retinue with one oꝛ moꝛe greyhound oꝛ greyhounds, oꝛ otherwiſe, oꝛ that ſhall coſher, lodge, oꝛ ceſſe themſelues, their followers, their hoꝛſes, oꝛ their greyhounds vpō the inhabitants of the Countrey, oꝛ ſhall directly, oꝛ indirectly, exact meat, oꝛ dꝛinke, oꝛ money, from them, oꝛ ſhall craue any helps in ſuch ſoꝛt, as the pooꝛe people dare not deny the ſame, foꝛ feare of ſome ſcandalous Ryme, oꝛ Song to be made vpon him, oꝛ ſome woꝛſe inconuenience to be done him; That it ſhall be lawfull foꝛ euery Juſtice of Peace, of each County within the Realme of Ireland, and foꝛ the Juſtices of Aſſize in their ſeuerall Circuites, to appꝛehēd, oꝛ cauſe to be appꝛehēded, all ſuch perſon oꝛ perſons, and him, oꝛ them, to bind to their loyaltie & alleageāce, oꝛ alleageāces, oꝛ to the good behauioꝛ, as in the diſcretiō of ſuch Juſtices ſhall ſeeme meet; And to cōmit the ſaid perſons to the cōmon Gaole of the ſaid Countie, vntill he, oꝛ they ſhall finde bonds by recognizāce, as afoꝛeſaid, with very good ſureties; which Juſtice of the Peace, ſhall returne all & euery ſuch bonds oꝛ recognizāces ſo by him to be taken, at the next generall Seſſions of the Peace foꝛ the ſaid Coūty, where the ſame ſhalbe takē. And all Sheriffs, Bayliffs, Cōſtables, Pꝛoboſts, Marſhals, and other his Maieſties loyall ſubiects, are required to be ayding, aſſiſting & helpfull to euery Juſtice of the Peace, and Juſtices of Aſſize, in the appꝛehēding of the ſaid Coſherers & wandꝛing Idlers, when they ſhalbe therunto required, vpō pain of ſuch fine oꝛ fines, to be ſet vpō them foꝛ their neglect, as vpō conuictiō, befoꝛe the Juſtices of the Peace, at their generall Seſſions of the Peace, oꝛ befoꝛe the Juſtices of Aſſize, at their diſcretion, ſhalbe ſet vpō them foꝛ their ſaid default.

CAP. XVII.

¶ An Act to prevent the vnprofitable cuſtome of burning of Corne in the Straw.

WHereas there is in the remote parts of this Kingdome of Ireland, cōmonly a great death of Cattell yearely; which foꝛ the moſt part happeneth, by reaſon of the ill huſbandꝛy, and impꝛouident care of the owners, that neither pꝛouide fodder, noꝛ ſtouer foꝛ them in winter, noꝛ houſes to put them in, in extremity of ſtoꝛmie cold weather, but a naturall, lazie diſpoſition poſſeſſing them, that will not build Barnes, to houſe and thꝛeſh their Coꝛne in, oꝛ houſes to keepe their Cattell from the violence of ſuch weather, but the better to enable them to be flitting frō their lands, and to deceiue his Maieſty of ſuch debts as they may be owing at any time, and their land-loꝛds of their rents, doe foꝛ a great part, in ſtead of thꝛeſhing, burne their Coꝛne in the ſtraw, therby cōſuming the ſtraw, which might relieue their Cattell in winter, and affoꝛd materialls

materials, towards the couering, or thatching their houſes, and ſpoyling the Corne, making it black, loathſome, and filthy.

For prevention of which vnprofitable, and vnciuill cuſtomes, Bee it enacted by the Kings moſt excellent Maiеſty, his Lords Spirituall & Temporall, and the Cõmons in this preſent Parliament aſſembled, and by authority of the ſame, That no manner of perſon or perſons whatſoeuer, after ſix moneths nert after the end of this Seſſion of Parliament, doe, or ſhall, by himſelfe, wife, children, or ſeruants, tenants, or any of them, burne, or cauſe to be burned, any Corne, or Graine, in the ſtraw, of what kinde ſoeuer, vpon paine of impriſonment, in the Common Gaole of the County, wherein the offence ſhalbe committed, for the ſpace of ten dayes, without baile or mainprize, for the firſt offence, and the delinquent to pay the charge of ſending him, or them, to the Gaole, as aforeſaid, before he, or they, be thence enlarged: And for the ſecond offence, to be impriſoned by by the ſpace of one whole moneth, without baile or mainprize, and to pay the charges, as aforeſaid: And for the third offence, to forfeit forty ſhillings, and to be bound vnto the good behauior, and to pay the charges, as aforeſaid, the ſaid forty ſhillings to be payd towards the reliefe of the priſoners in the ſaid Gaole, and to be payd vnto the hands of the Mayor, or chiefe Magiſtrate of the place, where ſuch Gaole is, or ſhalbe, before the offendor be diſcharged, and at his diſcretion to be diſtributed. And that it ſhall & may be lawfull, to and for the Juſtices of Peace of the County, where ſuch offences ſhalbe committed in their Seſſions of the Peace, to enquire, heare and determine, of all and euery the offences, done & committed, againſt the true meaning of this Act, and at all times, out of the Seſſions, aſwell by oath, as all other lawfull meanes, to try and find out the truth of the ſaid offences, and to commit the offendor and offendors, according to the true meaning of this Act. Prouided, that in regard it many times falleth out, that in regard of the late ſowing, and the coldnes of the Climate, the Corne is long and late before it ripeneth. That it may be lawfull for the Owner, or Owners, of aſmuch Corne of any kind, as ſhalbe ſowen after one plough, yearely, for the ſpace of two yeares after the making of this Act, and no longer for his and their preſent reliefe amongſt them, to burne ſix Bartes of Corne, (accompting twenty ordinary ſheaues to the Barte) and no more: And that no Corne bee burnt in the ſtraw, contrary to the true meaning of this Act, after the twentieth day of October during the ſaid two yeares.

CAP. XVIII.

CAP. XVIII.

An Act restrayning the abusive taking and distrayning for Herriots.

FOrasmuch as the Common people of this Land are much impouerished & oppressed by sundry persons, pretending Herriots to be due vnto them, vpon the death of euery Leasee, or Tenant, in cases, wherras by the Lawes of this Realme, no Herriot is due vnto them.

For reformation whereof, Bee it enacted by our Souereigne Lord the King, and by the assent of his Lords Spirituall & Temporall, and the Commons in this present Parliament assembled, and by the authority of the same, That if any person or persons, after the end of this present Session of Parliament, shall take, levie, seize vpon, or distraine any Cattell, or other goods whatsoeuer, vpon pretence of a Herriot, whereas by the Lawes of this Realme, no Herriot is due; That in all such cases, all and euery such person & persons, so taking, levying, seizing vpon, or distraining, any Cattell, or other goods, shall forfeite and loose Forty shillings sterling for each time so taking, levying, seizing vpon, or distraining any Cattell, or other goods, and ouer that, restore vnto the party grieued, the Cattell, or other goods so taken, and render him treble damages, in any suite, to be brought by him, in any of his Maiesties Courts, for the same, by bill, or plaint: And the one moytie of the said forfeiture, to be to the party grieued, or such other as will sue for the same, in any of his Maiesties Courts, by bill, or plaint; And the other moytie to his Maiesty, his Heires, and Successors, wherein no protection, essoyne, or wager of Law, shalbe admitted, or allowed.

Prouided alwayes, That this present Act, or any thing therein contained, doe not extend to any person or persons, in case where a Herriot is agreed vpon, betwixt any Lessor or Lessee, and specially reserued by writing: Neither doe extend to very Lord, and very Tenant, where a Herriot, Seruice, or a Herriot custome hath heretofore beene accustomably payed, or due by the Law.

CAP. XIX.

CAP. XIX.

AN ACT FOR THE KINGS MAIESTIES MOST GRACIOVS, GENERALL, AND FREE PARDON.

THE Kings Maiesty, most graciously considering the good will, and faithfull hearts of his most louing and obedient Subiects, which as at all times, so at this present especially, they haue with most dutifull affection, shewed towards his Highnes: And vnderstanding, that the same his louing Subiects, haue many and sundry wayes, by the Lawes and Statutes of this Realme, falne into the dangers of diuers great penalties & forfeitures, Is of his Princely & mercifull disposition, most graciously inclined, to extend vnto them, his liberall and free Pardon, trusting they wilbe thereby the rather moued and induced from henceforth more carefully to obserue his Highnes Lawes and Statutes, and to continue in their loyall & due obedience to his Maiesty.

And therefore his Maiesty is well pleased and contented, that it bee enacted by the authority of this present Parliament, And Bee it enacted by the authority of the same, in manner and forme following (that is to say) That all and euery the said Subiects, aswell Spirituall, as Temporall, of this his Highnes Realme of Ireland, the Heires, Successors, Executors, and Administrators of them, and euery of them, and all & singular bodies, in any manner of wise corporated, Cities, Burroughs, Shires, Hundreds, Baronies, Townes, Villages, Hamlets, and Tithings, and euery of them, and the Successor and Successors of euery of them, shalbe by the authority of this present Parliament, acquitted pardoned, released, and discharged, against the Kings Maiesty, his Heires & Successors, and euery of them, of all manner of Treasons, Felonies, Offences, Contempts, Trespasses, Entries, Wrongs, Deceits, Misdemeanors, Forfeitures, Penalties, and summes of money, paines of death, paines corporall & pecuniarie; and generally, of all other things, causes, quarrells, suites, iudgments, and executions, in this present Act, hereafter not excepted, nor fore-prised, which may be, or can be, by his Highnes, in any wise, or by any meanes pardoned, before, and vnto the three and twentieth day of May last past, to euery, or any of his said Subiects, Bodies corporate, Cittyes, Burroughs, Shires, Hundreds, Baronies, Townes, Villages, and Tythings, or any of them.

And alſo the Kings Maieſty is contented, that it bee enacted by authority of this preſent Parliament, and bee it enacted by the authority of the ſame, That this his ſaid free Pardon, ſhalbe as good & effectuall in the Law to euery of his ſaid Subiects, bodies Corporate, and others before rehearſed, in, for, and againſt all things, which be not hereafter in this preſent Act, excepted & fore-priſed, as the ſame Pardon ſhould haue beene, if all offences, contempts, forfeitures, cauſes, matters, ſuits, quarrells, iudgments, executions, penalties, and all other things, not hereafter in this preſent Act excepted and fore-priſed, had beene particularly, ſingularly, eſpecially, and plainely, named, rehearſed, and ſpecified, and alſo pardoned by proper & expreſſe words and names, in their kindes, natures and qualities, by words and tearmes thereunto requiſite to haue beene, put in, and expreſſed in this preſent Act of free Pardon: And that his ſaid Subiects, nor any of them, nor the heires, executors, or adminiſtrators of any of them, nor the ſaid bodies corporate, and others before named & rehearſed, nor any of them, bee, nor ſhalbe ſued, vexed, or inquieted in their Bodies, Goods, Chattells, Lands, or Tenemẽts, for any manner of matter, cauſe, contempt, miſdemeanor, forfeiture, treſpaſſe, offence, or any other thing, ſuffered, done, or committed, before the ſaid three and twentieth day of May laſt paſt, againſt his Highnes, his Crowne, Dignity, Prerogative, Lawes or Statutes, but onely for ſuch matters, cauſes & offences, as be rehearſed, mentioned, or in ſome wiſe touched in the Exceptions of this preſent Act, to be fore-priſed & excepted, and for none other; Any Statute or Statutes, Lawes, Cuſtomes, or Uſages, heretofore had, made, or vſed to the contrary in any wiſe notwithſtanding.

And the Kings Highneſſe, of his bounteous liberality, by the authority of this preſent Parliament, granteth, and freely giueth to euery of his Subiects, and to euery of the ſaid bodies corporate, and other before rehearſed, and euery of them, all Goods, Chattells, debts, fines, iſſues, profits, amerciaments, forfeitures, and ſummes of money, by any of them forfeited, which to his Highnes doe, or ſhould belong, or appertaine, by reaſon of any offence, contempt, treſpaſſe, entry, miſdemeanor, matter, cauſe, or quarrell, ſuffered, done, or committed, by them, or any of them, before the ſaid three and twentieth day of May laſt paſt, which be not hereafter in this preſent Act, fore-priſed and excepted.

And bee it enacted neuertheleſſe, That all grants thereof, or of any part thereof, made by any ſuch as haue ſo forfeited the ſame, and are hereby reſtored, as aforeſaid, and all Executions thereof, or of any part thereof had againſt any ſuch, after ſuch forfeiture thereof, cõmitted or made, ſhalbe of ſuch force & effect, as if no ſuch forfeiture thereof had beene had, or made, and of no other: The ſame forfeiture, or any thing before in this Act to the contrary, notwithſtanding. And that all & euery the Kings ſaid Subiects,

and

and all and ſingular bodies corporate, and others before rehearſed, may by him or themſelues, or by his or their Deputy or Deputies, or by his or their Attourney or Attourneyes, according to the Lawes of this Realme, plead and miniſter this preſent Act of free pardon, for his or their diſcharge, of, and for any thing, that is by vertue of this preſent Act pardoned, diſcharged, giuen or granted, without any Fee, or other thing paying to any perſon or perſons, for writing, or entry of the Iudgments, or other cauſe, concerning ſuch plea, writing, or entry, but onely ſixteene pence, to be payed to the Officer or Clearke that ſhall enter ſuch plea, matter, or Iudgment, for the parties diſcharge in that behalfe: Any Law, Statute, Vſage, or Cuſtome to the contrary notwithſtanding.

And furthermore, the Kings Maieſty is contented and pleaſed, That it bee enacted by the authority of this preſent Parliament, that this his ſaid free Pardon, by the generall words, clauſes, and ſentences before rehearſed, ſhalbe reputed, deemed, adiudged, expounded, allowed and taken, in all manner of Courts, of his Highneſſe, and elſewhere, moſt beneficiall and availeable, to all and ſingular the ſaid Subiects, bodies corporate, and others before rehearſed, and to euery of them, in all things not in this preſent Act, excepted or fore-priſed, without any ambiguitie, queſtion, or other delay, whatſoeuer it ſhall be, to be made, pleaded, obiected, or alledged by the King our Soueraigne Lord, his Heires, or Succeſſors, or by his, or any of their generall Attourney or Attourneyes, or by any perſon or perſons, for his Highnes, or any of his Heires or Succeſſors.

And furthermore, it is enacted by the King our Soueraigne Lord, and by the authority of this preſent Parliament, That if any Officer or Clearke of any his Highneſſe Courts, commonly called the Chancery, Kings Bench, and Common-pleas, or of his Exchequer or any other Officer or Clearke, of any other of his Highneſſe Courts within this Realme, at any time after the laſt day of this preſent Seſſion of Parliament, make out, or write out any manner of Writs, proceſſe, ſummons, or other precepts, whereby any of the ſaid Subiects, or any of the ſaid bodies corporated, or others before rehearſed, or any of them, ſhalbe in any wiſe arreſted, attached, diſtrained, ſummoned, or otherwiſe vexed, inquieted or grieued, in his or their bodies, Lands, Tenements, Goods or Chattells, or in any of them, for, or becauſe of any manner of thing pardoned, or diſcharged, by vertue of this Act of free Pardon: Or if any Sheriffe, or Eſcheator, or any of their Deputie or Deputies, or any Bayliffe, or other Officer whatſoeuer, by colour of his or their Office, or otherwiſe, after the ſaid laſt day of this preſent Seſſiõ of Parliament, doe levie, receiue, take or with-hold, of, or from any perſon or perſons, any thing pardoned, or diſcharged by this Act, That then euery ſuch perſon ſo offending, and thereof lawfully convicted or condemned by any ſufficient Teſti-

mony, witnelle, or prooke, ſhall yeeld & pay for recompence thereof to the party ſo grieued or offended thereby, his or their treble damages, beſides all coſts of the Suit, and ſhall alſo forfeit & loose to the Kings Maieſty, for euery ſuch default, Ten pounds: And neuertheleſſe all and ſingular ſuch Writs, proceſſe, and precepts ſo to be made, for, or vpon any manner of thing pardoned, or diſcharged by this preſent Act of free pardon, ſhall be vtterly voyde, and of none effect.

Excepted and alwayes fore-priſed out of this generall and free pardon, all, and all manner of high Treaſons, and other offences, committed, or done by any perſon or perſons, againſt the King or Queenes moſt Royall perſons, or either of them, or the perſon of the Prince his Highnes, and all conſpiracies and confederacies, traiterouſly had, committed, or done by any perſon or perſons, againſt the King or Queenes Maieſties Royall perſons, or either of them, or the perſon of the Prince his Highnes; and all, and all manner of levying of Warre, and all Rebellions & Inſurrections whatſoeuer: And alſo excepted all and euery manner of Treaſons, committed or done by any perſon or perſons in the parts beyond the Seas; or in any other place out of the Kings Dominions: And alſo all ſuits, puniſhments, executions, paines of death, forfeitures and penalties, for, or by reaſon or occaſion of any the Treaſons and offences before excepted.

And alſo excepted out of this Pardon, all offences of forgeing & falſe counterfeiting the Kings Maieſties Great or Priby Seale, Signe Manuell, or Priby Signet, or of any the Moneyes currant within this Realme: And alſo all offences of vnlawfull diminiſhing of any the ſaid Moneyes, by any way or meanes whatſoeuer, contrary to the Lawes & Statutes of this Realme: And alſo excepted out of this generall Pardon, all other Treaſons whatſoeuer, of what nature, kinde or quality ſoeuer: And alſo all miſpriſions and concealements of high Treaſon; And all abetting, ayding, comforting or procuring of the ſame offences, or any of the ſaid Treaſons.

And alſo excepted out of this Pardon, all manner of voluntary Murders, petit Treaſons, and willfull poyſonings, done or committed by any perſon or perſons, and all and euery the acceſſaries to the ſame offences, or any of them, before the ſaid offences committed.

And alſo excepted & fore-priſed out of this generall Pardon, all & euery offences of Piracy & Robbery done vpon the Seas, and all and euery procuring or abbetting of any ſuch offendors, and the comforting and receiuing of them, or any of them, or of any goods taken by way of Piracy or Robbery vpon the Seas, as aforeſaid, or of any goods forfeited or due vnto his Maieſty, by reaſon of any Piracy or Robbery vpon the Seas.

And alſo excepted out of this Pardon, all Burglaryes, committed

ted or done in any dwelling-houſe or houſes, and all acceſſaryes to any the ſaid Burglaryes, before the ſame Burglary committed.

And alſo excepted all Robberies, done vpon, or to any mans or womans perſon in the high-way, or elſewhere: And all and ſingular acceſſaryes, of, or to any ſuch Robberies, before the ſaid Robbery committed. And alſo excepted the felonious ſtealing of any Horſe, Gelding, Farran, or Mare, and all acceſſaryes thereunto, before the ſame felony committed, and all Judgments and Executions, of, and for the ſame. And alſo excepted all willfull burnings of any dwelling-houſe or houſes, or of any Barne or Barnes wherein any Corne was.

And alſo excepted the deteſtable and abhominable vice of Buggery committed with mankinde or beaſts. And alſo excepted all Rapes, and carnall Rauiſhments of Women.

And alſo excepted all Rauiſhments, and willfull taking away or marrying of any Mayde, Widdow, or Damoſell, againſt her will, or without the aſſent or agreement of her parents, or of ſuch as then had her in cuſtody: And alſo all offences of ayding, comforting, procuring, or abetting of any ſuch Raviſhment, willfull taking, or marrying, had, committed or done.

And alſo excepted all willfull eſcapes of any Traytors.

And alſo excepted out of this Pardon, all perſons now attainted or out-lawed, of, or for any Treaſon, petit Treaſon, Murder, willfull poyſoning, Burglary or Robbery: and all Executions, of, and for the ſame.

And alſo excepted all offences of Invocations, Coniurations, Witch-crafts, Sorceries, Inchantments and Charmes: And all offences of procuring, abetting, or comforting of the ſame, and all perſons now attainted or convicted of any of the ſaid offences.

And alſo excepted all and euery perſon and perſons, which being out-lawed, of, or for any felony or felonies, and their out lawries ſtanding in force ſithence the ſaid out-lawries haue eftſoones committed any other felony.

And alſo excepted all and euery manner of taking from the Kings Maieſty of any Goods or Chattells, or the Iſſues, Rents, Reuenues or Profits, of any Manors, Lands, Tenements or Hereditaments, which were of any Traytor, Murderer, Fellon, Clearke or Clearkes, attainted or convicted, or Fugitiues, or any of them.

And alſo excepted all Goods and Chattells, in any wiſe forfeited to the Kings Maieſtie, by reaſon of any Treaſon, petit Treaſon, Murder, or Felonie heretofore committed or done.

And alſo excepted all offences, of, or in making, writing, printing, or publiſhing, or in conſenting vnto the making, writing, printing, or publiſhing of any falſe ſeditious, or ſcandalous Booke or Bookes, Libell or Libells, in any wiſe againſt the Kings Ma-

ieſtie, or the preſent gouernment of this Realme, in cauſes either Eccleſiaſticall or Temporall, or againſt any perſon or perſons whatſoeuer.

And alſo excepted out of this Pardon, all intruſions, had, made, or done by any perſon or perſons, in, or vpon any the Manors, Lands, Tenements, or other Hereditaments of the Kings Maieſtie, and all waſtes, done, committed or ſuffered vpon any ſuch Lands, Tenements, or Hereditaments; and the wrõgfull taking of any the rents, iſſues & profits of the ſame Manors, Lands, Tenements, or Hereditaments, of the Kings Highneſſe: And alſo all Suits, Accompts and Impetitions, of, and for the ſame.

And alſo excepted out of this Pardon, all Alienations made of any Lands, Tenements, or Hereditaments, without licence, and all fines, iſſues and profits, that may or ought to grow, or come to the Kings Maieſtie, by reaſon of any ſuch Alienation, without licence.

And alſo excepted out of this Pardon, all waſtes committed or done in any of the Kings Wards Lands, or in the Wards Lands of any of the Kings Committees: And alſo all and euery Fine and Fines, for the ſingle and double value of the Marriage or Marriages, of all and euery Ward or Wards, at any time heretofore growne to the Kings Maieſty, ſithence the beginning of his Maieſties raigne.

And alſo excepted all Wards, and the Lands of ſuch Wards as haue growne to the Kings Maieſty, ſithence the beginning of his Maieſties Raigne: and all Liueryes, & Primer Seiſins, and Ouſter-lemaines, that ought to be had, done, or ſued, for, or in reſpect of any the Ward or Wards Lands before excepted.

And alſo excepted out of this generall Pardon, all rauiſhments & wrongfull taking & with-holding of any of the Kings Wards or Wards Lands before excepted, or the rents and profits of the ſame, and all miſdemeanors & offences concerning the ſame: And euery thing that by reaſon of any Ward or Wards Lands before excepted, or for default of ſuing or proſecuting of any Livery of the ſame, ought to come, or be to the Kings Maieſty, and which as yet is not diſcharged.

And alſo excepted all Fines that ſhould, or ought to grow to the Kings Maieſty that now is, of any of his Widdowes that haue marryed without Licence, ſince the beginning of his Maieſties Raigne.

Prouided alwayes, and bee it enacted by the authority of this preſent Parliament, That the Kings Maieſtie, his Heires and Succeſſors, ſhall haue and inioy the full & whole Intereſt, Benefit, Profit, and advantage of all Wardſhips before excepted, and of all Liveryes, Primer Seiſins, and Ouſter-lemaines, of all Manors, Lands, Tenements, and Hereditaments whatſoeuer, and all meane iſſues, rates & profits, for not proſecuting, or not ſueing

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of any Liuery, or Ouſter-lemaine, happening, growing or accrewing, ſithence the beginning of his Maieſties Raigne: As if this Act had neuer beene had or made.

Prouided alſo, and bee it enacted, That all and euery perſon & perſons, which haue tendered, or ought to ſue, his, her, or their, or any of their Liueryes, or Ouſter-lemaines, of or for any Manors, Lands, Tenements, or Hereditaments, whatſoeuer they bee, ſhall ſue his, her, or their Liuery & Liueryes, and Ouſter-lemaines, out of our ſaid Soueraigne Lord the Kings hands and ſhall anſwere and pay their fines, iſſues, and meane profits, for his or their Manors, Lands, Tenements & Hereditaments, which haue growne and accrewed ſithence the beginning of his Maieſties Raigne, in like manner and forme, to euery reſpect, as they and euery of them ſhould, or ought to haue done, if this Act had neuer beene had, or made; notwithſtanding the not finding of any Office or Offices, or any other matter whatſoeuer: Any article, thing or things, in this preſent Act of generall Pardon, compriſed and ſpecified to the contrary notwithſtanding.

And alſo excepted & fore-priſed out of this Pardon, all ſuch perſons, as (the laſt day of this preſent Seſſion of Parliament) be in priſon within the Caſtle of Dublin, or in the priſon of the Marſhalley of the foure Courts, or otherwiſe reſtrayned of liberty, by expreſſe commandement or directions of the Lord Deputy, or of any his Maieſties Priuy Councell.

And alſo excepted out of this Pardon, all and euery ſuch perſon & perſons, which at any time ſithence the beginning of the Raigne of our late moſt gracious Soueraigne Lord King Iames of bleſſed memory, haue fled out of this Realme of Ireland, or any other his Maieſties Dominions, for any offence of high Treaſon, petit Treaſon, or miſpriſion of Treaſon.

And alſo excepted all ſuch perſons as be gone or fled out of this Realme, for any cauſe, contrary to the Lawes and Statutes of this Realme, without the Licence of the Kings Maieſtie, or of the Lord Deputy, or other chiefe Gouernour or Gouernours of this Realme.

And alſo excepted all ſuch perſons as haue obtained & had Licence to depart this Realme for a certaine time, and now doe abide out of the Realme, without any lawfull excuſe, after the time of their Licence expired.

And alſo excepted out of this Pardon, all and euery concealements, and wrongfull detainments of any Cuſtome, Subſidie, Poundage, or Impoſt, due to the Kings Maieſty that now is, and all corruptions and miſdemeanors of any Officer or Miniſter, of, or concerning any Cuſtome, Subſidie, Poundage, or Impoſt, and all accompts, impetitions and ſuites, to bee had, made, or done for the ſame.

And alſo excepted all and ſingular accompts, of all and euery Colle-

Collector and Collectors of any Subsidie, Poundage, Custome, Impoſition, Compoſition, or other thing; And all accompts of euery other perſon whatſoeuer, that ought to be accomptant to the Kings Highneſſe, and the Heires, Executors, and Adminiſtrators of euery ſuch perſon, that ought to accompt for all things touching onely the ſame accompts: And all and ſingular Arrerages of accompts, and vntrue accompts; and all Impetitions, Charges, Seiſures, Suits, Demaunds, and Executions, which may, or can be had, of, or for any ſuch accompt or accompts, or any Arrerages of the ſame.

And alſo excepted all titles and actions of Quare impedit.

And alſo except all homages. And alſo except all reliefe and reliefes, herriots, rents-ſeruices, rents-charges, rents-ſeckes, and the arrerages of the ſame, not done or payde to the Kings Highneſſe.

And alſo excepted all conditions, and couenants, and all penalties, titles & forfeitures of condition or conditions, couenant or couenants, accrued, or growne to the Kings Maieſty, by reaſon of the breach & not performing of any couenant, or condition whatſoeuer.

And alſo excepted all ſummes of money granted to the Kings Maieſty that now is, or any of his noble Progenitors, by way or name of Subſidie, contribution, compoſition, or otherwiſe, and all concealements, fraudes and offences, by which his Maieſty hath beene deceiued, and not truely anſwered, of, or for the ſame.

And alſo excepted out of this Pardon, all debts, which were or be due to our Soueraigne Lord the King, or our late moſt gracious Soueraigne Lord King Iames of famous memory, his Maieſties Royall Father, or to any perſon or perſons, for, or to any of their vſes, by any condemnation, recognizance, obligatiõ, or otherwiſe (other then ſuch debts as are due, vpon any obligation or recognizance, forfeited before the ſaid three and twentieth day of May laſt paſt, for not keeping the Peace, or not being of good behauiour) which debts growne or accrewed vpon theſe cauſes, viz. for not keeping of the Peace, or not being of the good behauiour, by this free Pardon, bee, and ſhalbe clearely pardoned and diſcharged.

And alſo excepted & fore-priſed out of this Pardon, all and ſingular penalties, forfeitures, and ſummes of money, being due, or accrewed to our Soueraigne Lord the King, by reaſon of any Act, Statute or Statutes, which forfeitures, penalties, and ſummes of money, be converted into the nature of debts, by any Iudgment, order, or decree, or by the agreement of the offendor or offendors, ſithence the beginning of the raigne of our late gracious Soueraigne King Iames of famous memory.

And alſo excepted all forfeitures of all Leaſes, Eſtates, or Intereſts of any Lands, Tenements, or Hereditaments, holden of

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our Soueraigne Lord the Kings Maiesty, by knights seruice, or in socage, in Capite, or otherwise by knights seruice, made in one or seuerall assurances, or leases, for any tearme, or tearmes of yeares, whereupon the olde and accustomed rent, or more, is not reserued.

And also excepted all first fruits, and twentieth parts, growne due, since the beginning of his Maiesties Raigne, and at this present being due to bee payed to his Maiestie, by force of any Act or Statute, or otherwise.

And also excepted all penalties & forfeitures, whereof there is any verdict, since the beginning of his Maiesties Raigne, in any suite giuen, or past for the Kings Maiesty.

And also excepted all forfeitures, and other penalties & profits, now due, accrued & growne, or which shall, or may be due, accrew, or grow to the Kings Maiesty, by reasō of any offence, misdemeanor, or contempt, or other Act, or Deed, had, suffered, committed, or done, contrary to any Act, Statute or Statutes, or contrary to the common Lawes of this Realme, and wherof, or for the which, any action, bill, plaint, or information, at any time within eight yeares, next before the last day of this present Session of Parliament, hath beene, or shalbe exhibited, commenced, or sued in the Courts of Castle-Chamber, or Exchequer-Chamber, or in any the Kings Maiesties Courts at Dublin, and now is, or the said last day of this Session of Parliament, shall be there depending & remaining, to be prosecuted, or whereof the Kings Maiesty by his Letters Patents, vnder his Great Seale of England, or Ireland, or by any Letter or Warrant vnder his Highnes priuy Signet of England, hath heretofore made, or directed to be made, any guift or assignment to any person or persons whatsoeuer.

And also excepted out of this generall & free Pardon, all offences, contempts, disorders, codins, frauds, deceits & misdemeanors whatsoeuer heretofore committed or done, by any person or persons, and wherof, or for the which any suite, by bill, plaint, or information, at any time within foure yeares, next before the last day of this present Session of Parliament, is, or shalbe commenced, or exhibited in the Court of Castle-Chamber at Dublin, and shalbe there, the same last day of this Session of Parliament depending, or whereupon any sentence, or decree, is giuen or entred.

And also excepted out of this Pardon, all offences of periuries, and the suborнation of witnesses, and offences of forging & counterfeiting of any false deeds, escripts or writings, or of any examinations, or testimonies of any witnesse or witnesses, tending to bring any perso or persos into danger of his life, and the giuing of the same in euidence, and the counselling or procuring of any such coūterfeiting or forging, to behad or made. And al false & malicious conspiracies, to bring any person or persons into danger of his life.

And also excepted out of this Pardon, all & euery offence or of-

fences, touching or concerning the carrying, ſending, or conveying ouer the Seas, or out of this Realme, of any gold, ſiluer, Jewels, or any coyne of gold or ſiluer, contrary to the Lawes or Statutes of this Realme, vnleſſe it were by the Licence of the Kings Maieſty, or of the Lord Deputy, or other chiefe Gouernour or Gouernours of this Realme.

And alſo excepted out of this Pardon, all offences of Hereſie, Schiſme, Inceſt, Adultery, Fornication, and Simonie, and all Vſury where any intereſt hath beene receiued or taken, aboue the rate & proportion of ten pounds, for the loane or forbearance of one hundred pounds for one yeare; and ſo ratably for a greater or leſſer ſumme, or for a longer or ſhorter time: And all miſdemeanors & diſturbances, committed or made in any Church or Chappell, in time of Common-prayer, preaching, or diuine ſeruice there vſed, to the diſturbance thereof, and all out-lawries and proſecutions vpon the ſame.

And alſo excepted all offences of drawing of Weapons, vnlawfull ſtriking or giuing of blowes, & all other force or violence, committed or done in any Tearme-time, in the view of any the Kings Courts iudicially ſitting, at, or in the Kings Courts at Dublin, or before the Judges of Aſſize in their ſeuerall Circuites, for the which, any perſon or perſons now ſtand indicted, conuicted, or attainted in any of his Maieſties ſaid Courts.

And alſo excepted all offences, wherby any perſon may be charged with the penaltie & danger of Præmunire, & of the which offence or offences, any perſon ſtandeth already indicted, or otherwiſe lawfully condemned or conuicted.

And alſo excepted all dilapidations, for which any Suite is, or before the end of this Seſſion of Parliament, ſhalbe depending.

And alſo excepted all offences whatſoeuer in Shipping, or willingly aſſenting, or cauſing to be ſhipped to be tranſported into any the parts beyond the Seas, out of the obedience of his Maieſty, any Gunnes, Ordnance, Shot, or Gun-mettall, contrary to the Lawes & Statutes of this Realme, without Licence of his Maieſty, or of the Lord Deputie, or other chiefe Gouernour or Gouernours of this Realme, in that behalfe firſt had and obtained. And alſo all ſuch as couenously, or by conſent, or for the reliefe of any ſuch as haue offended, in, or againſt any popular, or penall Statute, haue for the ſame offence or offences, exhibited any action, bill, plaint, information, or ſuit, againſt any ſuch offendor or offendors.

And alſo excepted all offences, in taking away, imbezelling, or purloyning any the Kings Maieſties Goods, Money, Chattells, Jewels, Armor, Munition, Ordnance, or Habiliments of warre.

And alſo excepted out of this Pardon, all manner of Extortiõs & Briberies whatſoeuer: And alſo excepted all cobins, fraudes, deceipts & other diſorders & miſdemeanors whatſoeuer, heretofore committed,

committed, or done by any Steward of his Maieſties Manors or Courts, Sheriffe or Under-ſheriffe, or by any Officer or Miniſter in any of his Highnes Courts, or any wayes truſted, or imployed in, or about his Maieſties Lands, or Revenue, in, or by reaſon or colour of any of their offices, or places, or any their Deputies or Clearkes, and all offences of ayding, comforting, aſſiſting, or procuring of any Sheriffe, Under-ſheriff, or any ſuch Officer, Miniſter, or Clearke, in contriuing, doing, or executing any ſuch extortion, exaction, coyin, fraud, deceit, diſorder, or miſdemeanor.

And alſo excepted out of this Pardon, all Iſſues, Fines and Amerciaments, loſt, impoſed, aſſeſſed, offered, or taxed, ſince the beginning of his Maieſties Raigne.

And alſo excepted all Iſſues, Fines & Amerciaments, returned, affeared, taxed, ſet, or entred, ſeuerally or particularly, in any Court of Record at Dublin. And yet neuertheleſſe, his Maieſty of his abundant grace and fauour towards all his louing Subiects, taking into his gracious & Princely conſideration, that many of his ſaid Subiects, haue been, and yet are, continually to their exceeding great charges & expences, troubled & moleſted for ſundry & diuers Iſſues, Fines, Amerciaments, forfeited Recognizances, and other forfeitures due to his Maieſty, which are continually written for in ſchedula Pipe, in his Maieſties Court of Exchequer, is graciouſly pleaſed, that it bee enacted, and bee it enacted by the authority aforeſaid; That all Iſſues, Fines, Amerciaments, forfeited Recognizances, and other forfeitures, as before the ſaid three & twentieth day of May laſt paſt, haue beene drawne in ſchedula Pipe, and not already receiued, nor totted vpon the accompt of any Sheriffe, nor granted, nor aſſigned, nor directed to be granted, or aſſigned, as aforeſaid, ſhall by this free, gracious, and generall Pardon, bee freely & clearely, to all intents & purpoſes, exonerated, pardoned & diſcharged, and that from henceforth, no further proceſſe ſhall iſſue for levying or collecting the ſame.

And yet neuertheleſſe, all Eſtreats of ſuch Fines, Iſſues, and Amerciaments, as be now pardoned by this Act, and which be already eſtreated forth of the Court of Exchequer, and be remaining in the hands of the Sheriffe, Under-ſheriffe, or Bayliffe, for collecting of the ſame Fines, Iſſues, and Amerciaments; ſhall vpon the returne of the ſame Eſtreats, be orderly charged & deliuered by Eſcrowes into the Office of the Pipe, in the Court of Exchequer, as heretofore hath beene accuſtomed, to the intent, that thereupon order may be taken, that his Maieſtie may bee truely anſwered of all ſuch Fines, Iſſues, and Amerciaments, not by this Act pardoned, and which any Sheriffe, Under-ſheriffe, Bayliffe, or other Officer or Miniſter hath receiued, or ought to anſwere by force or colour of any ſuch Eſtreat, Proceſſe, or Precept, to him, or them made, for the levying thereof: And yet that notwithſtanding, all & euery Sheriffe and Sheriffes, and other accomptant, vpon his or

their Petition or Petitions, to be made for the allowance of any ſuch Fines, Iſſues, and Amerciaments, as by this Act is pardoned, ſhall haue all & euery ſuch his & their petition allowed in his and their accompt and accompts, without paying any Fee or Reward to any Officer, Clearke, or other Miniſter, for the making, entring, or allowing of any ſuch petition or petitions, Any vſage or cuſtome to the contrary thereof notwithſtanding.

And alſo excepted out of this Pardon, all ſuch perſons as bee and remaine ſtill attainted or condemned, and not already pardoned, of, or for any Rebellion, or levying of Warre, or of, or for any conſpiracy of any Rebellion, or levying of Warre within this Realme, or in any other the Kings Dominions.

And alſo excepted all falſe forgeing and counterfeiting of any Commiſſion or Commiſſions, to enquire of any Lands, Tenements or Hereditaments. And alſo all falſe, forgeing and counterfeiting of any vntrue Certificate, or returne of any Commiſſion or Cõmiſſions, obtained or gotten forth of any Court or Courts, or by Warrant from the Lord Deputie, or other chiefe Gouernour or Gouernours of this Realme; to enquire of any Lands, Tenements, or other things whatſoeuer: And all manner falſifying of any particular, or of any Bill or Bills, Fyant or Fyants, ſigned by his Maieſtie, or by his Deputy, or other chiefe Gouernour or Gouernours, Commiſſioner or Commiſſioners, in that behalfe authorized, after the engroſſing thereof, and before the paſſing the ſame to the Great Seale.

And alſo excepted out of this Pardon, all goods, chattells, debts, actions and ſuits already forfeited, or whereof any right or title is accrued or growne to the Kings Maieſty, by reaſon of any Out-lawrie, whereof the Kings Maieſty, by his Highneſſe Letters Patents, or otherwiſe, hath before the laſt day of this preſent Seſſiõs of Parliament, made any grant, covenant, or promiſe, to any perſon or perſons whatſoeuer.

Prouided alwayes, and bee it enacted by the authority aforeſaid, That it ſhall & may be lawfull, to & for all and euery Clearke, and other Officers of the Kings Courts, to award and make Writs of Capias ut lagatum, at the ſuite of the party plaintiffe, againſt ſuch perſons out-lawed, as be pardoned by this Act, to the intent to compell the defendant and defendants, to make anſwere to the plaintiffe or plaintiffes, at whoſe ſuite, he, or they were out-lawed: And that euery perſon ſo out-lawed, ſhall ſue a Writ of Scire facias, againſt the party or partyes, at whoſe ſuite, he or they were ſo out-lawed before this Pardon, in that behalfe ſhalbe allowed to him or them that is ſo out-lawed.

Prouided alſo, and bee it enacted by the authority of this preſent Parliament, That this Act of generall Pardon, ſhall not in any wiſe extend to any perſon out-lawed vpon any Writ of Capias ad ſatiſfaciendum, vntill ſuch time as the party ſo out-lawed, ſhall

ſhall ſatiſfie, or otherwiſe agree with the party, at whoſe ſuite the ſame perſon was ſo out-lawed or condemned.

Prouided alſo, and bee it enacted by the authority aforeſaid, That neither this Act, nor any thing therein contained, ſhall extend to pardon or diſcharge any offence committed or done by any Commiſſioner, Captaine, or other perſon whatſoeuer, in the corrupt taking or hauing of any Money, or other guift or reward, for the changing, releaſing, or diſcharging of any Souldiour, preſt or appointed to ſerue his Maieſty in defence of the Realme, or otherwiſe.

Prouided alwayes, And Bee it enacted, That this Act, or any thing therein contained, ſhall not extend, or be conſtrued, to pardon or diſcharge any Debt, Accompt, Fine, Amerciament, Arrerage, or other dutie, for which any Seiſure, or Enſtallment hath beene made, and vpon ſuch Seiſure or Enſtallment, any thing anſwered to his Maieſtie, ſithence the beginning of his Maieſties Raigne, nor to pardon or diſcharge any Recognizance, Obligatiõ or Bond, which is not yet forfeited, or being forfeited, is already giuen, granted or aſſigned by his Maieſty, or by his Letters, or Warrant vnder his Priuy Signet, directed to be giuen, granted, or aſſigned vnto any perſon or perſons whatſoeuer.

Prouided alwayes, And bee it enacted by the authority aforeſaid: That if in any of the grants, made, or directed to be made, as aforeſaid, of any debts, duties, penalties, or ſummes of money, mentioned in the aforeſaid Exceptions, or any of them, ſhalbe hereafter ſurrendred, reuoked, or otherwiſe determined, or auoyded, That then, and from thenceforth, the ſaid debts, duties, penalties, and ſummes of money, ſhall by this gracious and free Pardon, be pardoned and diſcharged, as if no ſuch clauſe had been inſerted in any of the ſaid Exceptions.

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